

**MONDAY, MARCH 28, 2016**

**FIFTY-SECOND LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Reverend Ron Williams, Mt. Paran Baptist Church, LaFollette, TN.

Representative Powers led the House in the Pledge of Allegiance to the Flag.

**RECOGNITION IN THE WELL**

Representative Powers was recognized in the Well to introduce Lauren Roberts to sing "The National Anthem".

**ROLL CALL**

The roll call was taken with the following results:

Present..... 97

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 97

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Carr

Representative Matlock

**PRESENT IN CHAMBER**

Rep. Parkinson was recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 231** Rep. K. Brooks as prime sponsor.

**House Joint Resolution No. 585** Reps. Powell, Gilmore, Clemmons and Hardaway as prime sponsors.

**House Joint Resolution No. 742** Reps. Womick, D. White and Sparks as prime sponsors.

**House Joint Resolution No. 743** Reps. Clemmons, Womick, D. White and Sparks as prime sponsors.

**House Bill No. 850** Rep. Cooper as prime sponsor.

**House Bill No. 1094** Rep. K. Brooks as prime sponsor.

**House Bill No. 1427** Reps. Powers, McManus and Byrd as prime sponsors.

**House Bill No. 1511** Reps. Hardaway and Parkinson as prime sponsors.

**House Bill No. 1534** Reps. Sanderson, Hardaway and Favors as prime sponsors.

**House Bill No. 1601** Rep. Hardaway as prime sponsor.

**House Bill No. 1611** Rep. Hardaway as prime sponsor.

**House Bill No. 1653** Rep. Hardaway as prime sponsor.

**House Bill No. 1696** Rep. Daniel as prime sponsor.

**House Bill No. 1888** Reps. Hardaway and Terry as prime sponsors.

**House Bill No. 1897** Rep. Hardaway as prime sponsor.

**House Bill No. 2288** Reps. J. Sexton and Holsclaw as prime sponsors.

**House Bill No. 2389** Reps. Gravitt, Powers, Williams, Terry, Zachary, Ragan and Lynn as prime sponsors.

**House Bill No. 2411** Rep. Zachary as prime sponsor.

MESSAGE FROM THE SENATE  
March 28, 2016

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626 and 627; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 598** -- Memorials, Professional Achievement - Whitney Haley, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 599** -- Memorials, Professional Achievement - Sarah Gaffney, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 600** -- Memorials, Professional Achievement - Mariah Cole, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 601** -- Memorials, Professional Achievement - Megan Dacus, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 602** -- Memorials, Professional Achievement - Ryan Camarata, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 603** -- Memorials, Professional Achievement - Annie Tipps, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 604** -- Memorials, Professional Achievement - Mary Lauren Teague, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 605** -- Memorials, Professional Achievement - Liz Marchetti Schimmer, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 606** -- Memorials, Professional Achievement - Sara Anne Quinn, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 607** -- Memorials, Professional Achievement - Anne Clarke Pirkle, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 608** -- Memorials, Professional Achievement - Robert Rolfe, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 609** -- Memorials, Professional Achievement - Mason Revelette, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 610** -- Memorials, Professional Achievement - Will Peebles, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 611** -- Memorials, Professional Achievement - Captain Timothy Peters, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

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**Senate Joint Resolution No. 612** -- Memorials, Professional Achievement - John French, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 613** -- Memorials, Professional Achievement - Mat Tyndal, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 614** -- Memorials, Professional Achievement - Kathryn Tuck, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 615** -- Memorials, Professional Achievement - Margaret Walker, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 616** -- Memorials, Professional Achievement - Lee White, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 617** -- Memorials, Professional Achievement - Gulam Zade, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 618** -- Memorials, Professional Achievement - Katie Neal, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 619** -- Memorials, Professional Achievement - Daniela Medina, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 620** -- Memorials, Professional Achievement - Kellie Davie, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 621** -- Memorials, Recognition - Paige Bernick, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 622** -- Memorials, Recognition - Matt Bodnar, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 623** -- Memorials, Recognition - Hampton Bourne, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 624** -- Memorials, Professional Achievement - Whitney Page, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 625** -- Memorials, Recognition - Byron Benbow, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 626** -- Memorials, Recognition - Sarah Blood, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 627** -- Memorials, Professional Achievement - Sadie Meaher, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**MESSAGE FROM THE SENATE**  
**March 28, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill No. 2075; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 2075** -- Hospitals and Health Care Facilities - As introduced, extends current moratorium on certificates of need for new nursing home beds until June 30, 2021. - Amends TCA Title 68, Chapter 11. by \*Overbey. (\*HB1874 by \*McDaniel)

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Representative Butt was recognized in the Well to recognize Tori Renee Brown, 2016 Mule Day Queen.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 703, adopted March 21, 2016.

**House Joint Resolution No. 703** -- Memorials, Recognition - Tori Renee Brown, 2016 Mule Day Queen. by \*Butt.

**RECOGNITION IN THE WELL**

Representative Akbari, joined by Rep. Gilmore, was recognized in the Well to commend the Links Organization during Links Days on Capitol Hill.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 635, adopted March 7, 2016.

**House Joint Resolution No. 635** -- Memorials, Recognition - The Links Days on Capitol Hill. by \*Akbari, \*Gilmore, \*Camper, \*Cooper, \*Hardaway.

**RECOGNITION IN THE WELL**

Representative Byrd was recognized in the Well to honor the Summertown Sweetees Dixie Youth softball team.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 463, adopted January 13, 2016.

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**House Joint Resolution No. 463** -- Memorials, Sports - Summertown SweeTees Dixie Youth softball team. by \*Byrd.

### **RECOGNITION IN THE WELL**

Representative Swann was recognized in the Well to present to the members the gun of Davy Crockett.

### **RECOGNITION IN THE WELL**

Representative Williams was recognized in the Well to honor Dr. John William Forgety's 70<sup>th</sup> Birthday.

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for March 30, 2016:

**House Resolution No. 234** -- Memorials, Death - Dale Gean. by \*Byrd.

**House Joint Resolution No. 749** -- Memorials, Death - Kent R. Davis. by \*Durham, \*Casada, \*Sargent.

**House Joint Resolution No. 750** -- Memorials, Recognition - David Gillette, Good Neighbor of the Year. by \*Armstrong.

**House Joint Resolution No. 751** -- Memorials, Retirement - Thomas Strickland, Jr. by \*Armstrong.

**House Joint Resolution No. 752** -- Memorials, Recognition - City of Milan, 150<sup>th</sup> anniversary. by \*Halford.

**House Joint Resolution No. 753** -- Memorials, Personal Occasion - Ad Hilliard, 90<sup>th</sup> birthday. by \*Halford.

**House Joint Resolution No. 754** -- Memorials, Personal Occasion - Al Hilliard, 90<sup>th</sup> birthday. by \*Halford.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for March 30, 2016:

**Senate Joint Resolution No. 585** -- Memorials, Sports - Crystal Dangerfield, 2016 Morgan Wootten Player of the Year. by \*Ketron.

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**Senate Joint Resolution No. 588** -- Memorials, Academic Achievement - Josephine Marie Suss, Salutatorian, Montgomery Central High School. by \*Green.

**Senate Joint Resolution No. 589** -- Memorials, Academic Achievement - Cord R. Beck, Valedictorian, Montgomery Central High School. by \*Green.

**Senate Joint Resolution No. 590** -- Memorials, Academic Achievement - Savannah Michelle King, Salutatorian, Clarksville High School. by \*Green.

**Senate Joint Resolution No. 591** -- Memorials, Academic Achievement - Ainsley Elizabeth King, Valedictorian, Clarksville High School. by \*Green.

**Senate Joint Resolution No. 592** -- Memorials, Academic Achievement - Lillian Grace Pollard, Salutatorian, Clarksville Academy. by \*Green.

**Senate Joint Resolution No. 593** -- Memorials, Academic Achievement - Evelyn Faye Turner, Valedictorian, Clarksville Academy. by \*Green.

**Senate Joint Resolution No. 594** -- Memorials, Academic Achievement - Christopher Payton Bland, Salutatorian, West Creek High School. by \*Green.

**Senate Joint Resolution No. 595** -- Memorials, Academic Achievement - Brandon Alexander Crite, Valedictorian, West Creek High School. by \*Green.

**Senate Joint Resolution No. 596** -- Memorials, Academic Achievement - Jordan Justice, Salutatorian, Rossvie High School. by \*Green.

**Senate Joint Resolution No. 597** -- Memorials, Academic Achievement - Isabella Barnett, Valedictorian, Rossvie High School. by \*Green.

**Senate Joint Resolution No. 598** -- Memorials, Professional Achievement - Whitney Haley, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 599** -- Memorials, Professional Achievement - Sarah Gaffney, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 600** -- Memorials, Professional Achievement - Mariah Cole, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 601** -- Memorials, Professional Achievement - Megan Dacus, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 602** -- Memorials, Professional Achievement - Ryan Camarata, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 603** -- Memorials, Professional Achievement - Annie Tipps, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 604** -- Memorials, Professional Achievement - Mary Lauren Teague, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

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**Senate Joint Resolution No. 605** -- Memorials, Professional Achievement - Liz Marchetti Schimmer, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 606** -- Memorials, Professional Achievement - Sara Anne Quinn, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 607** -- Memorials, Professional Achievement - Anne Clarke Pirkle, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 608** -- Memorials, Professional Achievement - Robert Rolfe, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 609** -- Memorials, Professional Achievement - Mason Revelette, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 610** -- Memorials, Professional Achievement - Will Peeples, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 611** -- Memorials, Professional Achievement - Captain Timothy Peters, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 612** -- Memorials, Professional Achievement - John French, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 613** -- Memorials, Professional Achievement - Mat Tyndal, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 614** -- Memorials, Professional Achievement - Kathryn Tuck, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 615** -- Memorials, Professional Achievement - Margaret Walker, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 616** -- Memorials, Professional Achievement - Lee White, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 617** -- Memorials, Professional Achievement - Gulam Zade, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 618** -- Memorials, Professional Achievement - Katie Neal, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 619** -- Memorials, Professional Achievement - Daniela Medina, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 620** -- Memorials, Professional Achievement - Kellie Davie, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 621** -- Memorials, Recognition - Paige Bernick, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.



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**Senate Joint Resolution No. 622** -- Memorials, Recognition - Matt Bodnar, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 623** -- Memorials, Recognition - Hampton Bourne, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

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**Senate Joint Resolution No. 626** -- Memorials, Recognition - Sarah Blood, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 627** -- Memorials, Professional Achievement - Sadie Meaher, 2016 class of Nashville's Top 30 Under 30. by \*Johnson.

**Senate Joint Resolution No. 628** -- Memorials, Sports - Karim Shereef, 2016 TSSAA wrestling Division I A-AA 170-pound weight class champion. by \*Overbey.

**Senate Joint Resolution No. 629** -- Memorials, Sports - Austyn Renshaw, 2016 TSSAA wrestling Division I A-AA 160-pound weight class champion. by \*Overbey.

**Senate Joint Resolution No. 630** -- Memorials, Sports - Juan Hernandez, 2016 TSSAA wrestling Division I AAA 126-pound weight class champion. by \*Overbey.

**Senate Joint Resolution No. 631** -- Memorials, Academic Achievement - Madison Medrano, Valedictorian, Red Boiling Springs High School. by \*Beavers.

**Senate Joint Resolution No. 632** -- Memorials, Academic Achievement - Jessica Jones, Valedictorian, Red Boiling Springs High School. by \*Beavers.

**Senate Joint Resolution No. 633** -- Memorials, Academic Achievement - Mason Hewitt, Salutatorian, Red Boiling Springs High School. by \*Beavers.

**Senate Joint Resolution No. 634** -- Memorials, Academic Achievement - Hulen "Clay" Copass, Salutatorian, Clay County High School. by \*Beavers.

**Senate Joint Resolution No. 635** -- Memorials, Academic Achievement - William A. Chaney, Salutatorian, Smith County High School. by \*Beavers.

**Senate Joint Resolution No. 636** -- Memorials, Academic Achievement - Matthew Maxfield, Valedictorian, Clay County High School. by \*Beavers.

**Senate Joint Resolution No. 637** -- Memorials, Academic Achievement - Peyton Smith, Salutatorian, Friendship Christian School. by \*Beavers.

**Senate Joint Resolution No. 638** -- Memorials, Academic Achievement - Christina Barnett, Valedictorian, Smith County High School. by \*Beavers.

**Senate Joint Resolution No. 639** -- Memorials, Public Service - Help to the Smokies Volunteer Team. by \*McNally.

**Senate Joint Resolution No. 640** -- Memorials, Recognition - Tennessee Valley Authority, 80th anniversary of unified development of Tennessee River System. by \*McNally.

**Senate Joint Resolution No. 641** -- Memorials, Retirement - Trooper Paul F. Mathes. by \*Dickerson.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 2043** -- Sexual Offenders - As introduced, prohibits registered sex offenders from residing in on-campus student residence facilities that are on a campus which includes, or is within 1,000 feet of, a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center, or public athletic field available for use by the general public. - Amends TCA Title 39; Title 40, Chapter 39, Part 2 and Title 49, Chapter 7, Part 1. by \*Harris. (\*HB1429 by \*Hardaway, \*Kane, \*Eldridge, \*Coley, \*Matlock, \*Spivey)

**Senate Bill No. 2101** -- Election Laws - As introduced, allows Rutherford County to participate in a pilot project for establishing convenient voting centers for use on election day upon super majority vote of the county election commission. - Amends TCA Title 2, Chapter 3. by \*Ketron, \*Tracy. (\*HB2125 by \*Terry, \*White D)

**Senate Bill No. 2113** -- Alcoholic Beverages - As introduced, removes the requirement that in order for a retail food store to obtain a license to sell alcoholic beverages for consumption on premises that the premises and business for on-premises consumption be separate and distinct from the retail food store. - Amends TCA Title 57, Chapter 3, Part 8 and Title 57, Chapter 4. by \*Johnson. (\*HB2301 by \*Marsh)

**Senate Bill No. 2191** -- Highway Patrol - As introduced, requires the department of safety to pay from existing budgeted funds a monthly amount to a retired highway patrol officer for the medical care of the retired canine to whom the officer was assigned if the canine is given to the care and custody of the officer upon retirement. - Amends TCA Title 4, Chapter 7, Part 1. by \*Crowe. (\*HB1785 by \*Moody, \*Gravitt, \*Littleton, \*Matheny, \*Eldridge, \*Kane, \*Hill T, \*Parkinson)

**Senate Bill No. 2373** -- Insurance, Health, Accident - As introduced, eliminates the requirement that a healthcare services provider be at a hospital or other qualified site for the service to be considered telehealth services for insurance purposes; requires health insurance entities to reimburse healthcare service providers at the same rate for telehealth services as for in-person encounters. - Amends TCA Section 56-7-1002. by \*Bell, \*Green, \*Overbey, \*Gresham, \*Bowling, \*Hensley, \*Watson. (\*HB2331 by \*Sexton C)

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**Senate Bill No. 2394** -- Education, Higher - As introduced, requires that the report regarding nonimmigrant students that is required from certain institutions be submitted on a biannual basis; requires the same institutions to submit a historical report that contains information regarding nonimmigrant students. - Amends TCA Title 4; Title 38 and Title 49. by \*Bailey, \*Beavers, \*Bowling, \*Crowe, \*Gresham, \*Haile, \*Hensley, \*Ketron, \*Niceley, \*Norris, \*Roberts, \*Stevens, \*Tracy, \*Watson. (\*HB2429 by \*Williams)

**Senate Bill No. 2425** -- Motor Vehicles - As introduced, increases from 300 feet to 350 feet the distance required for a truck of more than one and one-half ton rated capacity to approach any other truck of like or greater capacity proceeding in the same direction on any highway outside municipal limits, except in overtaking and passing or unless one or both trucks are stopped or disabled. - Amends TCA Title 55, Chapter 8. by \*Yarbro, \*Dickerson. (\*HB2300 by \*Beck)

**Senate Bill No. 2430** -- Utilities, Utility Districts - As introduced, enacts the "Municipal Energy Authority Act." - Amends TCA Title 7. by \*Crowe, \*Bowling. (\*HB2439 by \*Hill M)

**Senate Bill No. 2492** -- Traffic Safety - As introduced, requires headlights to be displayed while approaching a curve on a mountain highway where the view is obstructed. - Amends TCA Title 55, Chapter 50 and Title 55, Chapter 8. by \*Bailey, \*Beavers. (\*HB2510 by \*Holt, \*Coley, \*Ragan, \*Holsclaw, \*Butt, \*Sanderson, \*Goins, \*Johnson, \*Lollar, \*Sexton J, \*Shaw, \*Casada, \*Halford, \*Zachary, \*Moody, \*Hawk, \*Byrd, \*Powers, \*Spivey, \*Reedy, \*Carr, \*Miller, \*Brooks K, \*Dunn, \*Kane, \*Marsh, \*Doss, \*Littleton, \*Keisling, \*Mitchell, \*Womick, \*VanHuss, \*Kumar, \*Camper, \*Akbari, \*Love, \*Howell, \*Windle, \*Sparks, \*Alexander, \*Towns, \*Fitzhugh, \*Daniel, \*Eldridge, \*Hicks, \*Lundberg, \*Todd, \*Smith, \*Favors, \*Hazlewood, \*Matheny, \*Travis, \*Durham, \*Jones, \*Wirgau, \*Terry, \*Forgety, \*Armstrong, \*Powell, \*Weaver, \*Pody)

**Senate Bill No. 2537** -- Taxes, Exemption and Credits - As introduced, reduces the capital investment requirement for eligibility for qualified data center sales and use tax exemptions from \$250,000,000 to \$150,000,000; exempts cooling equipment and backup power equipment sold or used by qualified data centers from the sales and use tax. - Amends TCA Title 67, Chapter 6. by \*Norris, \*Dickerson, \*Stevens. (\*HB1535 by \*McCormick, \*Brooks K, \*Hazlewood)

**Senate Bill No. 2554** -- Day Care - As introduced, makes various changes to the disclosures, background checks, and training required for child care agencies, including requiring volunteers to disclose any criminal history and be subject to criminal history records checks. - Amends TCA Section 71-3-502 and Section 71-3-507. by \*Norris, \*Massey. (\*HB1550 by \*McCormick, \*Brooks K, \*White D, \*Hazlewood, \*Ragan)

## HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2656** -- Anderson County -- House Local Government Committee

**House Bill No. 2657** -- Anderson County -- House Local Government Committee

**House Bill No. 2658** -- Portland -- House Local Government Committee

**House Bill No. 2659** -- Saltillo -- House Local Government Committee

**CONSENT CALENDAR**

**\*House Joint Resolution No. 556** -- General Assembly, Statement of Intent or Position  
- Urges the National Park Service to complete the Eastern Legacy Special Resource Study and recommend inclusion of Eastern Legacy sites in the Lewis and Clark National Historic Trail. by \*McDaniel.

**\*House Bill No. 1534** -- Correctional Programs - As introduced, allows an inmate to receive sentence reduction credits for obtaining any high school equivalency credential, instead of only a GED. - Amends TCA Section 41-21-236. by \*McCormick, \*Brooks K, \*Smith, \*Byrd, \*Gilmore.

On motion, House Bill No. 1534 was made to conform with **Senate Bill No. 2536**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2642** -- Lynnville - As introduced, subject to local approval, authorizes the compensation of the mayor and aldermen to be established by ordinance; requires a person to be a resident of the town for two years prior to an election, instead of six months, to be eligible to serve as mayor or alderman. - Amends Chapter 289 of the Private Acts of 1965, as amended by Chapter 135 of the Private Acts of 1975, Chapter 44 of the Private Acts of 1987, Chapter 130 of the Private Acts of 2004, and any other acts amendatory thereto. by \*Doss.

**House Bill No. 2264** -- Utilities, Utility Districts - As introduced, authorizes natural gas utility districts in Hawkins County to provide funding to chambers of commerce and economic and community organizations pursuant to a resolution adopted by the governing body. - Amends TCA Title 7, Chapter 82. by \*Hicks.

On motion, House Bill No. 2264 was made to conform with **Senate Bill No. 1924**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1850** -- Sewage - As introduced, authorizes the use of green infrastructure practices within areas that have combined sanitary sewage and storm water systems. - Amends TCA Title 7; Title 68, Chapter 221 and Title 69, Chapter 3. by \*Jernigan, \*Gilmore.

On motion, House Bill No. 1850 was made to conform with **Senate Bill No. 2417**; the Senate Bill was substituted for the House Bill.

**\*House Joint Resolution No. 585** -- General Assembly, Statement of Intent or Position  
- Encourage employers to grant holiday time off on Veterans Day to their employees who are military veterans if they would otherwise be required to work on that day. by \*Windle.

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**House Bill No. 2636** -- Metropolitan Government - As introduced, subject to local approval, authorizes the metropolitan council of the metropolitan government of Lynchburg, Moore County to direct the county election commission to conduct an advisory, nonbinding referendum on the question of whether to levy a property tax increase, with the proceeds from such increase to be used exclusively to fund public school renovations. by \*Alexander.

**\*House Bill No. 1897** -- Veterans - As introduced, allows employees authorized by the Tennessee state veterans' homes board to solicit donations for the improvement of existing homes or for future construction of new homes. - Amends TCA Section 58-7-103. by \*Johnson.

**\*House Bill No. 2117** -- Scholarships and Financial Aid - As introduced, revises the provisions governing eligibility and funding for the community college reconnect grant. - Amends Chapter 363 of the Public Acts of 2015. by \*McCormick, \*Lamberth.

**House Bill No. 1616** -- Sunset Laws - As introduced, extends the board of dietitian/nutritionist examiners six years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2; Title 63, Chapter 25, Part 1 and Section 68-1-101. by \*Faison, \*Ragan.

On motion, House Bill No. 1616 was made to conform with **Senate Bill No. 1502**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1611** -- Sunset Laws - As introduced, extends the board of pharmacy two years to June 30, 2018; requires the board to appear before the government operations joint evaluation committee on education, health and general welfare no later than November 18, 2016, to provide an update on the board's progress in addressing the findings set forth in the October 2015 performance audit report issued by the division of state audit. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10, Part 3. by \*Faison, \*Ragan.

On motion, House Bill No. 1611 was made to conform with **Senate Bill No. 1507**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1601** -- Sunset Laws - As introduced, extends the department of human resources three years to June 30, 2019; requires the department to report back to the committee concerning the findings in its 2015 performance audit report. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by \*Faison, \*Ragan.

On motion, House Bill No. 1601 was made to conform with **Senate Bill No. 1517**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1578** -- Sunset Laws - As introduced, extends the state soil conservation committee six years to June 30, 2022; establishes minimum attendance requirement for committee members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29; Title 43, Chapter 14, Part 2; Title 43, Chapter 34 and Title 69, Chapter 6. by \*Faison, \*Ragan.

On motion, House Bill No. 1578 was made to conform with **Senate Bill No. 1540**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 1573** -- Sunset Laws - As introduced, extends the Tennessee motor vehicle commission four years to June 30, 2020; establishes minimum attendance requirement for commission members and requires removal of members who do not meet the requirement. - Amends TCA Title 4, Chapter 29; Section 4-3-1304; Section 47-18-120; Title 55, Chapter 17; Section 55-4-221 and Section 62-19-128. by \*Faison, \*Ragan.

On motion, House Bill No. 1573 was made to conform with **Senate Bill No. 1545**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 191** -- Memorials, Academic Achievement - Calvin Gobbell, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 192** -- Memorials, Academic Achievement - Haley White, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 193** -- Memorials, Academic Achievement - Addison Vickery, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 194** -- Memorials, Academic Achievement - Jennifer Vandiver, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 195** -- Memorials, Academic Achievement - Benjamin Coleman, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 196** -- Memorials, Academic Achievement - Donnie "Reed" Bonee, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 197** -- Memorials, Academic Achievement - Woodrow Wilson, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 198** -- Memorials, Academic Achievement - Raegan Nicole Hannah, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 199** -- Memorials, Academic Achievement - Maria Claire Kertiens, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 200** -- Memorials, Academic Achievement - Rainey Lea Ibbotson, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 201** -- Memorials, Academic Achievement - Kristin Beth Caperton, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 202** -- Memorials, Academic Achievement - Kelsi Cole, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 203** -- Memorials, Academic Achievement - Ben Dollar, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 204** -- Memorials, Academic Achievement - Maranda Keeton, Top Ten Senior, Wayne County High School. by \*Byrd.

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**House Resolution No. 205** -- Memorials, Academic Achievement - Jacquelyn Downs, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 206** -- Memorials, Academic Achievement - Rachel Odle, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 207** -- Memorials, Academic Achievement - Caitlyn Cole, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 208** -- Memorials, Academic Achievement - Riley Sanders, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 209** -- Memorials, Academic Achievement - Shelby Rios, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 210** -- Memorials, Academic Achievement - Tiffanie Maze, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 211** -- Memorials, Academic Achievement - Courtney Rees, Top Ten Senior, Wayne County High School. by \*Byrd.

**House Resolution No. 212** -- Memorials, Academic Achievement - Sarah Beth White, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 213** -- Memorials, Academic Achievement - Katie Beth Tennison, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 214** -- Memorials, Academic Achievement - Hannah Williams, Top Ten Senior, Hardin County High School. by \*Byrd.

**House Resolution No. 215** -- Memorials, Academic Achievement - McKinley Heard, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 216** -- Memorials, Academic Achievement - Kaden Reaves, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 217** -- Memorials, Academic Achievement - Stacie Kelley, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 218** -- Memorials, Academic Achievement - Lakelyn Reed, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 219** -- Memorials, Academic Achievement - Emily Haddock, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 220** -- Memorials, Academic Achievement - Taylor Lard, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 221** -- Memorials, Academic Achievement - Charlee Pigg, Top Ten Senior, Collinwood High School. by \*Byrd.

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**House Resolution No. 222** -- Memorials, Academic Achievement - Christian Weaver, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 223** -- Memorials, Academic Achievement - Shelby Wilbanks, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 224** -- Memorials, Academic Achievement - Benjamin Hanback, Top Ten Senior, Collinwood High School. by \*Byrd.

**House Resolution No. 225** -- Memorials, Academic Achievement - Morgan Rose Phillips, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 226** -- Memorials, Academic Achievement - Emma Kate Darnell, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 227** -- Memorials, Academic Achievement - Dezarae Suzanna Clark, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 228** -- Memorials, Academic Achievement - Ashley Nichole Wilson, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 229** -- Memorials, Academic Achievement - Ann-Katherine Lee Gobble, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 230** -- Memorials, Academic Achievement - Dylan Blake Self, Top Ten Senior, Summertown High School. by \*Byrd.

**House Resolution No. 231** -- Memorials, Recognition - Welcome Home Vietnam Veterans Day, March 29, 2016. by \*White D, \*Terry, \*Lollar, \*Womick, \*Shepard, \*Beck, \*Sparks.

**House Resolution No. 232** -- Memorials, Public Service - Vera Whaley Scarbrough. by \*Windle.

**House Resolution No. 233** -- Memorials, Interns - Kathryn White. by \*Dunn.

**House Joint Resolution No. 717** -- Memorials, Recognition - Collin Raye. by \*Lynn.

**House Joint Resolution No. 718** -- Memorials, Death - Zaezion Dobson. by \*Smith, \*Armstrong, \*Brooks H, \*Kane, \*Zachary, \*Dunn, \*Daniel, \*Matlock.

**House Joint Resolution No. 719** -- Memorials, Recognition - Danny Smith, Truckload Carriers Association 2015 Company Driver of the Year. by \*Matlock.

**House Joint Resolution No. 720** -- Memorials, Retirement - Tim Guinn. by \*Smith, \*Dunn.

**House Joint Resolution No. 721** -- Memorials, Sports - Fulton High School Falcons, TSSAA Class AA state champions. by \*Smith, \*Armstrong.



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**House Joint Resolution No. 722** -- Memorials, Professional Achievement - Ann Scott Davis, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 723** -- Memorials, Recognition - Anna Leigh Skiles, Young Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 724** -- Memorials, Recognition - Bethany Burns, Young Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 725** -- Memorials, Recognition - Story Katherine Deweese, Young Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 726** -- Memorials, Recognition - Virginia Grace McGinnis, Young Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 727** -- Memorials, Recognition - Allison Paige Nedeau, Young Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 728** -- Memorials, Recognition - Bailey Faith Callison, Young Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 729** -- Memorials, Recognition - Angela Ronelle Sellers, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 730** -- Memorials, Recognition - Dawn Marion Abel, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 731** -- Memorials, Professional Achievement - Julie Guerry, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 732** -- Memorials, Recognition - Dr. Cathy Robbs Baker, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 733** -- Memorials, Professional Achievement - Ronna-Renee Jackson, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 734** -- Memorials, Professional Achievement - Marcia Meredith Eason, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 735** -- Memorials, Personal Achievement - Nicole D. Brown, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 736** -- Memorials, Professional Achievement - Darlene Goins Brown, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 737** -- Memorials, Professional Achievement - Gina M. Crumbliss, 2016 Woman of Distinction. by \*Hazlewood.

**House Joint Resolution No. 738** -- Memorials, Recognition - Betsy Blunt Brown, 2016 Woman of Distinction. by \*Hazlewood.

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**House Joint Resolution No. 739** -- Memorials, Recognition - Dr. Liz Rhea, 2016 Rutherford Heart Ball Honoree and American Red Cross Heroes Breakfast Honoree. by \*White D, \*Terry, \*Womick, \*Sparks.

**House Joint Resolution No. 740** -- Memorials, Recognition - Bishop Kevin L. Adams, Sr. by \*Favors.

**House Joint Resolution No. 741** -- Memorials, Death - Martha Ann Cassell Lee, bone marrow donation. by \*Fitzhugh.

**House Joint Resolution No. 742** -- Memorials, Sports - MTSU Lady Blue Raiders, C-USA Tournament champions. by \*Terry.

**House Joint Resolution No. 743** -- Memorials, Sports - MTSU Blue Raiders, C-USA Tournament champions. by \*Terry.

**House Joint Resolution No. 744** -- Memorials, Interns - Traci Howard. by \*Lynn.

**House Joint Resolution No. 745** -- Memorials, Recognition - Germantown Symphony Orchestra, 40th anniversary. by \*McManus.

**House Joint Resolution No. 746** -- Memorials, Interns - Cayna Laurene Sharp. by \*Todd, \*Lollar.

**House Joint Resolution No. 747** -- Memorials, Interns - Howard "Myles" Buell. by \*Dunn.

**House Joint Resolution No. 748** -- Memorials, Recognition - Lakeway Civil War Preservation Association. by \*Goins.

**\*Senate Joint Resolution No. 449** -- Memorials, Recognition - "Child Abuse and Neglect Prevention Month," April 2016. by \*Yarbro.

**Senate Joint Resolution No. 571** -- Memorials, Retirement - Captain Fred Bennett, Williamson County deputy. by \*Johnson.

**Senate Joint Resolution No. 572** -- Memorials, Recognition - Neonatal/Pediatric Respiratory Therapists. by \*Johnson.

**Senate Joint Resolution No. 573** -- Memorials, Death - Clyde Stephens, Jr. by \*Johnson.

**Senate Joint Resolution No. 574** -- Memorials, Public Service - John G. Morgan. by \*Johnson, \*Harris, \*Harper, \*Kyle, \*McNally, \*Yarbro.

**Senate Joint Resolution No. 576** -- Memorials, Retirement - Richard Brogan. by \*Bell, \*Bailey, \*Beavers, \*Bowling, \*Briggs, \*Crowe, \*Dickerson, \*Gardenhire, \*Gresham, \*Haile, \*Harper, \*Harris, \*Hensley, \*Jackson, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Massey, \*McNally, \*Niceley, \*Norris, \*Roberts, \*Southerland, \*Stevens, \*Tate, \*Tracy, \*Watson, \*Yager, \*Yarbro, \*Ramsey.

**MONDAY, MARCH 28, 2016 – FIFTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

**Senate Joint Resolution No. 577** -- Memorials, Sports - Bradley Central High School Bears, 2016 TSSAA AAA Dual and Traditional State Wrestling Champions. by \*Bell, \*Gardenhire, \*Watson.

**Senate Joint Resolution No. 579** -- Memorials, Recognition - Sidne Morgan, 2016 Tennessee Tar Wars Poster Contest Winner. by \*Hensley.

**Senate Joint Resolution No. 580** -- Memorials, Retirement - Anthony Spezia. by \*Briggs, \*McNally, \*Massey, \*Yager.

**Senate Joint Resolution No. 581** -- Memorials, Death - Bill Wade. by \*Dickerson.

**Senate Joint Resolution No. 582** -- Memorials, Retirement - Peyton Manning. by \*Massey, \*Harper, \*Briggs, \*McNally, \*Gardenhire, \*Watson, \*Bailey, \*Beavers, \*Bell, \*Bowling, \*Crowe, \*Dickerson, \*Gresham, \*Haile, \*Harris, \*Hensley, \*Jackson, \*Johnson, \*Kelsey, \*Ketrone, \*Kyle, \*Niceley, \*Norris, \*Roberts, \*Southerland, \*Stevens, \*Tate, \*Tracy, \*Yager, \*Yarbro, \*Ramsey.

**Senate Joint Resolution No. 583** -- Memorials, Interns - Kelsey Kitchens. by \*Massey.

**Senate Joint Resolution No. 584** -- Memorials, Death - George Offitt. by \*Haile, \*Stevens.

**OBJECTION--CONSENT CALENDAR**

Objections were filed to the following on the Consent Calendar:

**House Bill No. 2117:** by Rep. Cooper

**House Joint Resolution No. 718:** by Rep. Smith

**Senate Joint Resolution No. 582:** by Rep. Hardaway

Under the rules, House Bill No. 2117, House Joint Resolution No. 718 and Senate Joint Resolution No. 582 were placed at the heel of the calendar for March 30, 2016.

Rep. McManus moved that all members of the Shelby County delegation voting aye on House Joint Resolution No. 745 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Smith moved that the Knox County delegation be added as co-prime sponsors on House Joint Resolution No. 720, Senate Joint Resolutions Nos. 580 and 582, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Rep. Favors moved that all members voting aye on House Joint Resolution No. 740 be added as co-prime sponsors with Hamilton County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

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Rep. Lynn moved that all members voting aye on House Joint Resolutions Nos. 717 and 744 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, Holt, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 1872** -- TennCare - As introduced, enacts the "Annual Coverage Assessment of 2016"; imposes an annual coverage assessment of 4.52 percent on covered hospitals for fiscal year 2016-2017. - Amends TCA Title 71, Chapter 5 and Chapter 276 of the Public Acts of 2015. by \*McDaniel, \*Casada. (SB1836 by \*Overbey, \*Green, \*Crowe, \*Yager)

Rep. McDaniel moved that House Bill No. 1872 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1872 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 5, is amended by adding the following as a new section:

**71-5-161.**

(a) This section continues the hospital payment rate corridors applicable to payments by managed care organizations to hospitals for services provided to TennCare enrollees established by § 71-5-703(b)(3), as enacted by Chapter 276 of the Public Acts of 2015.

(b) Hospital payment rate variation corridors shall be established by the state's actuary and approved by the bureau of TennCare for payments by managed care organizations to hospitals for services provided to TennCare enrollees as follows:

(1) As required by § 71-5-703(b)(3), as enacted by Chapter 276 of the Public Acts of 2015, the bureau shall implement provisions in its contractor risk agreements (CRAs) with all managed care organizations requiring payment rates for each hospital in the aggregate from all managed care organizations with which the hospital has network contracts to be no less than the minimum levels or more than the maximum levels set forth in subsections (c) and (d); and

(2) Compliance with these standards shall be determined on the basis of the totality of all rates for the hospital by all managed care organizations in the aggregate with which it has a network contract, rather than on the basis of rates for a hospital under a network contract with an individual managed care organization. Managed care organizations shall not enter into or maintain a single case agreement or contract with any hospital that authorizes or requires rates for the hospital that do not conform to the hospital payment variability standards set forth in this section.

(c) The minimum and maximum levels for aggregate rates to hospitals for services to TennCare enrollees shall be based on the percentages of each hospital's federal fiscal year (FFY) 2011 medicare reimbursement set forth in subsection (d). Compliance with these minimum and maximum payment rates shall be determined on the basis of the totality of payments to a hospital for services to TennCare enrollees from all managed care organizations with which the hospital has a network contract. The variation corridors established by this subsection (c) are for the purpose of limiting the amount of variation in the rates paid by TennCare managed care organizations to hospitals, and this subsection (c) shall not create a right by a hospital to receive any actual amount of reimbursement in the aggregate from all TennCare managed care organizations.

(d)

(1) For routine, nonspecialized inpatient services, the minimum level is fifty-three and eight-tenths percent (53.8%), and the maximum level is eighty percent (80%);

(2) For outpatient services, the minimum level is ninety-three and two-tenths percent (93.2%), and the maximum level is one hundred and four percent (104%);

(3) For cardiac surgery services, the minimum level is thirty-two percent (32%), and the maximum level is eighty-three percent (83%);

(4) For specialized neonatal services, the minimum level is four percent (4%), and the maximum level is one hundred seventy-four percent (174%); and

(5) For other specialized services, the minimum level is forty-nine percent (49%), and the maximum level is one hundred sixty-four percent (164%).

(e) The bureau shall publish the list of MS-DRGs included in each service category on its web site, and the bureau shall update the list annually to reflect any changes as necessary.

(f) The bureau shall maintain rules implementing the requirements of this section. All rules promulgated by the commissioner of finance and administration or the bureau prior to and in effect on July 1, 2016, concerning the annual coverage assessment under this part or Chapter 276 of the Public Acts of 2015, shall remain in force and effect and shall be administered and enforced by the bureau until these rules are modified.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, is amended by adding the following as a new part:

**71-5-1101.** This part shall be known and may be cited as the "Annual Coverage Assessment Act of 2016".

**71-5-1102.** As used in this part, unless the context otherwise requires:

(1) "Annual coverage assessment" means the annual assessment imposed on covered hospitals as set forth in this part;

(2) "Annual coverage assessment base" is a covered hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2008, on file with CMS as of September 30, 2009, subject to the following qualifications:

(A) If a covered hospital does not have a full twelve-month medicare cost report for 2008 on file with CMS but has a full twelve-month cost report for a subsequent year, the first full twelve-month medicare cost report for a year following 2008 on file with CMS shall be the annual coverage assessment base;

(B) If a covered hospital was first licensed in 2014 or later and did not replace an existing hospital, and if the hospital has a medicare cost report on file with CMS, the hospital's initial cost report on file with CMS shall be the base for the hospital assessment. If the hospital does not have an initial cost report on file with CMS but does have a complete

twelve-month joint annual report filed with the department of health, the net patient revenue from the twelve-month joint annual report shall be the annual coverage assessment base. If the hospital does not have a medicare cost report or a full twelve-month joint annual report filed with the department of health, the annual coverage assessment base is the covered hospital's projected net patient revenue for its first full year of operation as shown in its certificate of need application filed with the health services and development agency;

(C) If a covered hospital was first licensed in 2014 or later and replaced an existing hospital, the annual coverage assessment base shall be the hospital's initial medicare cost report on file with CMS. If the hospital does not have a medicare cost report on file with CMS, such hospital's annual coverage assessment base shall be either the predecessor hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2008, or, if the predecessor hospital does not have a 2008 medicare cost report, the cost report for the first fiscal year following 2008 on file with CMS;

(D) If a covered hospital is not required to file an annual medicare cost report with CMS, then the hospital's annual coverage assessment base shall be its net patient revenue for the fiscal year ending during calendar year 2008 or the first fiscal year that the hospital was in operation after 2008 as shown in the covered hospital's joint annual report filed with the department of health; and

(E) If a covered hospital's fiscal year 2008 medicare cost report is not contained in any of the CMS healthcare cost report information system files and if the hospital does not meet any of the other qualifications listed in subdivisions (2)(A)-(E), then the hospital shall submit a copy of the hospital's 2008 medicare cost report to the bureau in order to allow for the determination of the hospital's net patient revenue for the state fiscal year 2016-2017 annual coverage assessment;

(3) "Bureau" means the bureau of TennCare;

(4) "CMS" means the federal centers for medicare and medicaid services;

(5) "Controlling person" means a person who, by ownership, contract, or otherwise, has the authority to control the business operations of a covered hospital. Indirect or direct ownership of ten percent (10%) or more of a covered hospital shall constitute control;

(6) "Covered hospital" means a hospital licensed under title 33 or title 68, as of July 1, 2016, except an excluded hospital;

(7) "Excluded hospital" means:

(A) A hospital that has been designated by CMS as a critical access hospital;

(B) A mental health hospital owned by this state;

(C) A hospital providing primarily rehabilitative or long-term acute care services;

(D) A children's research hospital that does not charge patients for services beyond that reimbursed by third-party payers; and

(E) A hospital that is determined by the bureau as eligible to certify public expenditures for the purpose of securing federal medical assistance percentage payments;

(8) "Medicare cost report" means CMS-2552-96, the cost report for electronic filing of hospitals, for the period applicable as set forth in this section; and

(9) "Net patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported on Worksheet G-3, Column 1, Line 3, of the medicare cost report, excluding long-term care inpatient ancillary revenues.

**71-5-1103.**

(a) There is imposed on each covered hospital licensed as of July 1, 2016, an annual coverage assessment for fiscal year (FY) 2016-2017 as set forth in this part.

(b) The annual coverage assessment imposed by this part shall not be effective and validly imposed until the bureau has provided the Tennessee Hospital Association with written notice that includes:

(1) A determination from CMS that the annual coverage assessment is a permissible source of revenue that shall not adversely affect the amount of federal financial participation in the TennCare program;

(2) Either:

(A) Approval from CMS for the distribution of the full amount of additional payments to hospitals to offset unreimbursed TennCare costs as set forth in § 71-5-1105(d)(2); or

(B) The rules proposed by the bureau pursuant to § 71-5-1104(i)(2); and



(3) Confirmation that all contracts between hospitals and managed care organizations comply with the hospital rate variation corridors set forth in § 71-5-703(b)(3), as enacted by Chapter 276 of the Public Acts of 2015, and § 71-5-161.

(c) The general assembly intends that the proceeds of the annual coverage assessment not be used as a justification to reduce or eliminate state funding to the TennCare program. The annual coverage assessment shall not be effective and validly imposed if the coverage or the amount of revenue available for expenditure by the TennCare program in FY 2016-2017 is less than:

(1) The governor's FY 2016-2017 recommended budget level;  
plus

(2) Additional appropriations made by the general assembly to the TennCare program for FY 2016-2017, except to the extent new federal funding is available to replace funds that are appropriated as described in subdivision (c)(1) and that are above the amount that the state receives from CMS under the regular federal matching assistance percentage.

(d)

(1)

(A) The general assembly intends that the proceeds of the annual coverage assessment not be used as justification for any TennCare managed care organization to implement across-the-board rate reductions to negotiated rates with covered or excluded hospitals or physicians in existence on July 1, 2016. For those rates in effect on July 1, 2016, the bureau shall include provisions in the managed care organizations' contractor risk agreements that prohibit the managed care organizations from implementing across-the-board rate reductions to covered or excluded network hospitals or physicians either by category or by type of provider. The requirements of the preceding sentence shall also apply to services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician, but shall not apply to reductions in benefits or reimbursement for such ancillary services if the reductions:

(i) Are different from those items being restored in § 71-5-1105(d); and

(ii) Have been communicated in advance of implementation to the general assembly and the Tennessee Hospital Association.

(B)

(i) For purposes of this subsection (d), services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician shall include all services where the physician or covered or excluded hospital, including a wholly owned subsidiary or controlled affiliate of a covered or excluded hospital or hospital system, holds more than a fifty percent (50%) controlling interest in such ancillary services or settings of care, but shall not include any other ancillary services or settings of care. For across-the-board rate reductions to ancillary services or settings of care, the bureau shall include appropriate requirements for notice to providers in the managed care organizations' contractor risk agreements.

(ii) For purposes of this subsection (d), services or settings of care that are "ancillary" shall mean, but not be limited to, ambulatory surgical facilities, outpatient treatment clinics or imaging centers, dialysis centers, home health and related services, home infusion therapy services, outpatient rehabilitation, or skilled nursing services.

(iii) For purposes of this subsection (d), "physician" includes a physician licensed under title 63, chapter 6 or chapter 9, and a group practice of physicians that hold a contract with a managed care organization.

(2) This subsection (d) does not preclude good faith negotiations between managed care organizations and covered or excluded hospitals, hospital systems, and physicians on an individualized, case-by-case basis, nor is this subsection (d) intended by the general assembly to serve as justification for managed care organizations in this state, covered or excluded hospitals, hospital systems, or physicians to unreasonably deny any party the ability to enter into such individualized, case-by-case good faith negotiations. Such good faith negotiation necessarily implies mutual cooperation between the negotiating parties and may include, but is not limited to, the right to terminate contractual agreements, the ability to modify negotiated rates, pricing, or units of service, the ability to alter payment methodologies, and the ability to enforce existing managed care techniques or to implement new managed care techniques.

(3) This subsection (d) shall not preclude the full implementation of the requirements set forth in § 71-5-161 and § 71-5-703(b)(3), as enacted by Chapter 276 of the Public Acts of 2015.

(4) Notwithstanding this subsection (d), if CMS mandates a TennCare program change or a change is required by state or federal law that impacts rates, and that change is required to be implemented by the managed care organizations in accordance with their contracts, or if the

annual coverage assessment becomes invalid, then nothing in this part shall prohibit the managed care organizations from implementing any rate changes as may be mandated by the bureau or by state or federal law.

**71-5-1104.**

(a) The annual coverage assessment established for this part shall be four and fifty-two hundredths percent (4.52%) of a covered hospital's annual coverage assessment base.

(b) The annual coverage assessment shall be paid in equal quarterly installments, with the first quarterly payment due on the fifteenth day of the first month of the first quarter of the state fiscal year after the bureau has satisfied the requirements of § 71-5-1103(b). Subsequent installments shall be due on the fifteenth day of the first month of the three (3) successive calendar quarters following the calendar quarter in which the first installment is due.

(c) To facilitate collection of the annual coverage assessment, the bureau shall send each covered hospital, at least thirty (30) days in advance of each quarterly payment due date, a notice of payment along with a return form developed by the bureau. Failure of a covered hospital to receive a notice and return form, however, shall not relieve a covered hospital from the obligation of timely payment. The bureau shall also post the return form on its web site.

(d) Failure of a covered hospital to pay a quarterly installment of the annual coverage assessment, when due, shall result in an imposition of a penalty of five hundred dollars (\$500) per day until such installment is paid in full.

(e) If a covered hospital ceases to operate after July 1, 2016, and before July 1, 2017, the hospital's total annual coverage assessment shall be equal to its annual coverage assessment base multiplied by a fraction, the denominator of which is the number of calendar days from July 1, 2016, until July 1, 2017, and the numerator of which is the number of days from July 1, 2016, until the date the board for licensing healthcare facilities has recorded as the date that the hospital ceased operation.

(f) If a covered hospital ceases operation prior to payment of its full annual coverage assessment, then the person or persons controlling the hospital as of the date the hospital ceased operation shall be jointly and severally responsible for any remaining annual coverage assessment installments and unpaid penalties associated with previous late payments.

(g) If a covered hospital fails to pay a quarterly installment of the annual coverage assessment within thirty (30) days of its due date, the bureau shall suspend the payments to the hospital as required by § 71-5-1105(d)(2) until the quarterly installment is paid and report such failure to the department that licenses the covered hospital. Notwithstanding any other law, failure of a covered hospital to pay a quarterly installment of the annual coverage assessment or any refund required by this part shall be considered a license

deficiency and grounds for disciplinary action as set forth in the statutes and rules under which the covered hospital is licensed.

(h) In addition to the action required by subsection (g), the bureau is authorized to file a civil action against a covered hospital and its controlling person or persons to collect delinquent annual coverage assessment installments, late penalties, and refund obligations established by this part. Exclusive jurisdiction and venue for a civil action authorized by this subsection (h) shall be in the chancery court for Davidson County.

(i)

(1) If any federal agency with jurisdiction over this annual coverage assessment determines that the annual coverage assessment is not a valid source of revenue or if there is a reduction of the coverage and funding of the TennCare program contrary to § 71-5-1103(c), or if the requirements of §§ 71-5-161 and 71-5-1103(b) are not fully satisfied, or if one (1) or more managed care organizations impose rate reductions contrary to § 71-5-1103(d), then:

(A) No subsequent installments of the annual coverage assessment shall be due and payable; and

(B) No further payments shall be paid to hospitals pursuant to § 71-5-1105(d)(2) after the date of such event.

(2)

(A) Notwithstanding this part, if CMS discontinues approval of or otherwise fails to approve the full amount of payments to hospitals to offset losses incurred from providing services to TennCare enrollees as authorized under § 71-5-1105(d)(2), then the bureau shall suspend any payments from or to covered hospitals otherwise required by this part and shall promulgate rules that:

(i) Establish the methodology for determining the amounts, categories, and times of payments to hospitals, if any, instead of the payments that otherwise would have been paid under § 71-5-1105(d)(2) if approved by CMS;

(ii) Identify the benefits and services for which funds will be available in order to mitigate reductions or eliminations that otherwise would be imposed in the absence of the coverage assessment;

(iii) Determine the amount and timing of payments for benefits and services identified under subdivision (i)(2)(A)(ii) as appropriate;

(iv) Reinstitute payments from or to covered hospitals as appropriate; and

(v) Otherwise achieve the goals of this subdivision.

(B) The rules adopted under this subdivision (i)(2) shall, to the extent possible, achieve the goals of:

(i) Maximizing the amount of federal matching funds available for the TennCare program; and

(ii) Minimizing the variation between payments hospitals will receive under the rules as compared to payments hospitals would have received if CMS had approved the total payments described in § 71-5-1105(d).

(C) Notwithstanding any other law, the bureau is authorized to exercise emergency rulemaking authority to the extent necessary to meet the objectives of this subdivision (i)(2).

(3) Upon occurrence of any of the events set forth in subdivisions (i)(1) or (i)(2), the bureau shall then have authority to make necessary changes to the TennCare budget to account for the loss of annual coverage assessment revenue.

(j) A covered hospital or an association representing covered hospitals, the membership of which includes thirty (30) or more covered hospitals, shall have the right to file a petition for declaratory order pursuant to § 4-5-223 to determine if there has been a failure to satisfy one (1) of the conditions precedent to the valid imposition of the annual coverage assessment.

(k) A covered hospital may not increase charges or add a surcharge based on, or as a result of, the annual coverage assessment.

(l) Notwithstanding this part, if the bureau receives notification from CMS of the determination and approval set forth in § 71-5-1103(b), and if the determination and approval have retroactive effective dates, then:

(1) Quarterly annual coverage assessment payments that become due by application of the retroactive determination date from CMS shall be paid to the bureau within thirty (30) days of the bureau notifying the Tennessee Hospital Association that CMS has issued the determination; and

(2) Quarterly payments to covered hospitals required by § 71-5-1105(d)(2) that become due by application of the retroactive approval date from CMS shall be paid within fifteen (15) days of the bureau notifying the Tennessee Hospital Association that CMS has issued such approval.

**71-5-1105.**

(a) The funds generated as a result of this part shall be deposited in the maintenance of coverage trust fund created by § 71-5-160, the existence of which is continued as provided in subsection (b). The fund shall not be used to replace any monies otherwise appropriated to the TennCare program by the general assembly or to replace any monies appropriated outside of the TennCare program.

(b) The maintenance of coverage trust fund shall continue without interruption and shall be operated in accordance with § 71-5-160 and this section.

(c) The maintenance of coverage trust fund shall consist of:

(1) All annual coverage assessments received by the bureau; and

(2) Investment earnings credited to the assets of the maintenance of coverage trust fund.

(d) Monies credited or deposited to the maintenance of coverage trust fund, together with all federal matching funds, shall be available to and used by the bureau only for expenditures in the TennCare program and shall include the following purposes:

(1) Expenditure for benefits and services under the TennCare program that would have been subject to reduction or elimination from TennCare funding for FY 2016-2017, except for the availability of one-time funding for that year only, as follows:

(A) Replacement of across-the-board reductions in covered and excluded hospital and professional reimbursement rates described in the governor's recommended budgets since FY 2011;

(B) Maintenance of essential access hospital payments to the maximum allowed by CMS under the TennCare waiver of at least one hundred million dollars (\$100,000,000);

(C) Maintenance of payments to critical access hospitals to achieve reimbursement of full cost of benefits provided to TennCare enrollees up to ten million dollars (\$10,000,000);

(D) Maintenance of reimbursement to offset critical access charity costs up to six million dollars (\$6,000,000);

(E) Maintenance of payments for graduate medical education of at least fifty million dollars (\$50,000,000);

(F) Maintenance of reimbursement for medicare part A crossover claims at the lesser of one hundred percent (100%) of medicare allowable or the billed amount;

(G) Avoidance of any coverage limitations relative to the number of hospital inpatient days per year or annual cost of inpatient services for a TennCare enrollee;

(H) Avoidance of any coverage limitations relative to the number of nonemergency outpatient visits per year for a TennCare enrollee;

(I) Avoidance of any coverage limitations relative to the number of physician office visits per year for a TennCare enrollee;

(J) Avoidance of coverage limitations relative to the number of laboratory and diagnostic imaging encounters per year for a TennCare enrollee;

(K) Maintenance of coverage for occupational therapy, physical therapy, and speech therapy services; and

(L) Making medicaid-disproportionate-share hospital payments at the maximum amount authorized by the federal Social Security Act for FY 2016-2017 or expanded essential access hospital (EAH) payments if approved by CMS;

(2)

(A) Solely from the annual coverage assessment payments received by the bureau, payments to covered hospitals to offset losses incurred in providing services to TennCare enrollees as set forth in this subdivision (d)(2);

(B) Each covered hospital shall be entitled to payments for FY 2016-2017 of a portion of its unreimbursed cost of providing services to TennCare enrollees. Unreimbursed TennCare costs are defined as the excess of TennCare cost over TennCare net revenue as reported on Schedule E, items (A)(1)(c) and (A)(1)(d) from the hospital's 2014 joint annual report filed with the department of health. TennCare costs are defined as the product of a facility's cost-to-charge ratio times TennCare charges. The amount of the payment to covered hospitals shall be no less than forty-three and twenty-four hundredths percent (43.24%) of unreimbursed TennCare cost for all hospitals licensed by the state that reported unreimbursed TennCare cost on the 2014 joint annual report (JAR), excluding state-owned hospitals;

(C) The payments required by this subdivision (d)(2) shall be made in four (4) equal installments. Each installment payment

shall be made by the third business day of four (4) successive calendar quarters, with the first calendar quarter to be the calendar quarter in which the annual coverage assessment is first levied in accordance with § 71-5-1104. The bureau shall provide to the Tennessee Hospital Association a schedule showing the quarterly payments to each hospital at least seven (7) days in advance of the payments; and

(D) The payments required by this subdivision (d)(2) may be made by the bureau directly to the hospitals, or the bureau may transfer the funds to one (1) or more managed care organizations with the direction to make payments to hospitals as required by this subsection (d). The payments to a hospital pursuant to this subdivision (d)(2) shall not be considered part of the reimbursement to which a hospital is entitled under its contract with a TennCare managed care organization;

(3) Refunds to covered hospitals based on the payment of annual coverage assessments or penalties to the bureau through error, mistake, or a determination that the annual coverage assessment was invalidly imposed;

(4)

(A) Solely from funds remaining in the trust fund as of June 30, 2016, payments, and expenditures in the TennCare program as follows:

(i) In the total amount of five hundred eighty-seven thousand nine hundred dollars (\$587,900) to maintain reimbursement at the emergency care rate for nonemergent care to children aged twelve (12) to twenty-four (24) months to avoid the reduction described in the governor's FY 2016-2017 recommended budget;

(ii) In the total amount of two million one hundred one thousand dollars (\$2,101,000) to the bureau to offset the elimination of the provision in the TennCare managed care contractor risk agreements for hospitals as follows:

"CRA 2.12.9.60-Specify in applicable provider agreements that all providers who participate in the federal 340B program give TennCare MCOs the benefit of 340B pricing.";

(iii) In the total amount of three million dollars (\$3,000,000) for reimbursement to offset a portion of the remaining critical access hospital charity costs; and



(iv) In the total amount of three million dollars (\$3,000,000) to fund critical access hospital charity costs for FY 2015-2016; and

(B) Expenditures authorized under this subdivision (d)(4) shall be in addition to expenditures otherwise authorized under subdivisions (d)(1)-(3); and

(5) Payments authorized under rules promulgated by the bureau pursuant to § 71-5-1104(i)(2).

(e) If a hospital closes or changes status from a covered hospital to an excluded hospital and consequently reduces the amount of the annual coverage assessment to the extent that the amount is no longer sufficient to cover the total cost of the items included in subsection (d), the payments for these items may be adjusted by an amount equal to the shortfall, including the federal financial participation. The items to be adjusted and the amounts of the adjustments shall be determined by the bureau in consultation with hospitals.

(f) The bureau shall modify the contracts with TennCare managed care organizations and otherwise take action necessary to assure the use and application of the assets of the maintenance of coverage trust fund, as described in subsection (d).

(g) The bureau shall submit requests to CMS to modify the medicaid state plan, the contractor risk agreements, or the TennCare II Section 1115 demonstration project, as necessary, to implement the requirements of this part.

(h) At quarterly intervals beginning September 1, 2016, the bureau shall submit a report to the finance, ways and means committees of the senate and the house of representatives, to the health and welfare committee of the senate, and to the health committee of the house of representatives, which report shall include:

(1) The status, if applicable, of the determination and approval by CMS set forth in § 71-5-1103(b) of the annual coverage assessment;

(2) The balance of funds in the maintenance of coverage trust fund; and

(3) The extent to which the maintenance of coverage trust fund has been used to carry out this part.

(i) No part of the maintenance of coverage trust fund shall be diverted to the general fund or used for any purpose other than as set forth in this part.

**71-5-1106.** This part shall expire on June 30, 2017; provided, however, that the following rights and obligations shall survive such expiration:

(1) The authority of the bureau to impose late payment penalties and to collect unpaid annual coverage assessments and required refunds;

(2) The rights of a covered hospital or an association of covered hospitals to file a petition for declaratory order to determine whether the annual coverage assessment has been validly imposed;

(3) The existence of the maintenance of coverage trust fund and the obligation of the bureau to use and apply the assets of the maintenance of coverage trust fund; and

(4) The obligation of the bureau to implement and maintain the requirements of § 71-5-161 and § 71-5-703(b)(3), as enacted by Chapter 276 of the Public Acts of 2015.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1872 by deleting § 71-5-1105(d)(4) from the amendatory language of Section 2 and substituting instead the following:

(4)

(A) Solely from funds remaining in the trust fund as of June 30, 2016, payments, and expenditures in the TennCare program as follows:

(i) In the total amount of five hundred eighty-seven thousand nine hundred dollars (\$587,900) to maintain reimbursement at the emergency care rate for nonemergent care to children aged twelve (12) to twenty-four (24) months to avoid the reduction described in the governor's FY 2016-2017 recommended budget;

(ii) In the total amount of two million one hundred one thousand dollars (\$2,101,000) to the bureau to offset the elimination of the provision in the TennCare managed care contractor risk agreements for hospitals as follows:

"CRA 2.12.9.60-Specify in applicable provider agreements that all providers who participate in the federal 340B program give TennCare MCOs the benefit of 340B pricing.";

(B) Solely from funds remaining in the trust fund as of June 30, 2016, after expenditures have been made pursuant to subdivision (d)(4)(A):

(i) First, to the extent that funds permit, up to the total amount of three million dollars (\$3,000,000) to fund critical access hospital charity costs for FY 2015-2016; and

(ii) After expenditures have been made under subdivision (d)(4)(B)(i), to the extent that funds remain, up to the total amount of three million dollars (\$3,000,000) for reimbursement to offset a portion of the remaining critical access hospital charity costs; and

(C) Expenditures authorized under this subdivision (d)(4) shall be in addition to expenditures otherwise authorized under subdivisions (d)(1)-(3); and

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. McDaniel moved that **House Bill No. 1872**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	3
Present and not voting.....	2

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Marsh, Matheny, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 91

Representatives voting no were: Dunlap, Lynn, Windle -- 3

Representatives present and not voting were: Dunn, Durham -- 2

A motion to reconsider was tabled.

**\*House Bill No. 1874** -- Hospitals and Health Care Facilities - As introduced, extends current moratorium on certificates of need for new nursing home beds until June 30, 2021. - Amends TCA Title 68, Chapter 11. by \*McDaniel. (SB2075 by \*Overbey)

On motion, House Bill No. 1874 was made to conform with **Senate Bill No. 2075**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that **Senate Bill No. 2075** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes.....	6
Present and not voting.....	3

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, DeBerry, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Marsh, Matheny, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 86

Representatives voting no were: Daniel, Holt, Lynn, Pody, Spivey, Windle -- 6

Representatives present and not voting were: Durham, McCormick, Reedy -- 3

A motion to reconsider was tabled.

**\*House Bill No. 1772** -- Forfeiture of Assets - As introduced, prohibits a general sessions judge from authorizing a magistrate or judicial officer who is not licensed in this state to issue forfeiture warrants. - Amends TCA Title 40, Chapter 33, Part 2. by \*Zachary. (SB2029 by \*Briggs)

On motion, House Bill No. 1772 was made to conform with **Senate Bill No. 2029**; the Senate Bill was substituted for the House Bill.

Rep. Zachary moved that **Senate Bill No. 2029** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

**\*House Bill No. 1511** -- Traffic Safety - As introduced, redesignates, from nonmoving to moving, traffic violations for transmitting or reading written messages on hand-held devices while driving; requires points to be assessed for such violations. - Amends TCA Title 55, Chapter 8. by \*Lollar. (SB1589 by \*Jackson)

Rep. Lollar moved that House Bill No. 1511 be passed on third and final consideration.

Rep. Rogers moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1511 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-199(f), is amended by deleting the subsection in its entirety and substituting instead the following:

(f) A traffic citation that is based solely upon a violation of this section shall be considered a moving traffic violation and points shall be assessed on the driving record, pursuant to § 55-50-505, of a person convicted of the violation. Points shall be assessed in an amount equal to the points assessed for careless or negligent driving under § 55-8-136.

SECTION 2. Tennessee Code Annotated, Section 55-8-199(d), is amended by designating the existing language as subdivision (d)(1) and adding the following as a new subdivision (d)(2):

(2) In addition to any fine imposed pursuant to subdivision (d)(1), a person who violates this section as a first offense shall be required to attend and complete a driver education course pursuant to § 55-10-301.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Coley moved the previous question, which motion prevailed.

Rep. Lollar moved that **House Bill No. 1511**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	52
Noes.....	36
Present and not voting.....	2

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Brooks K., Camper, Casada, Clemmons, Coley, Daniel, DeBerry, Dunlap, Dunn, Eldridge, Farmer,

## MONDAY, MARCH 28, 2016 – FIFTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Holsclaw, Howell, Hulse, Jenkins, Jernigan, Kumar, Lamberth, Lollar, Marsh, McDaniel, McManus, Miller, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sexton J., Shaw, Shepard, Stewart, Weaver, White M., Wirgau, Madam Speaker Harwell -- 52

Representatives voting no were: Alexander, Butt, Byrd, Calfee, Carter, Doss, Durham, Faison, Favors, Hazlewood, Hill M., Hill T., Holt, Johnson, Kane, Keisling, Lundberg, Lynn, Matheny, Moody, Pitts, Pody, Sexton C., Smith, Sparks, Spivey, Terry, Todd, Towns, Travis, Turner, Van Huss, Williams, Windle, Womick, Zachary -- 36

Representatives present and not voting were: Cooper, Sargent -- 2

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Jernigan voted "aye" on **House Bill No. 1511**.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **House Bill No. 1511** and have this statement entered in the Journal: Rep. Turner.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 207** -- Highways, Roads and Bridges - As introduced, requires a county or municipality to publish the official map of future plans for streets and highways on the county or municipality's web site at least 30 days prior to the legislative body's public hearing. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 54; Title 55 and Title 67. by \*Jernigan, \*Rogers, \*Windle. (\*SB129 by \*Tracy)

Rep. Jernigan moved that House Bill No. 207 be passed on third and final consideration.

Rep. Rogers moved adoption of Transportation Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 207 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-21-103(a)(6), is amended by deleting the following language:

Notwithstanding the above, the department shall provide any person qualifying for a registration and license plate under subdivision (a)(1) who applies for and receives a new specialty earmarked license plate pursuant to chapter 4, part 2 of this title, a decal of distinctive design to disabled drivers to affix to such new specialty earmarked license plate. New specialty earmarked license plates having such a decal properly affixed shall be a recognized symbol for the purposes of this part. The cost of such decal shall be considered a cost incurred by the department of revenue in designing, manufacturing and marketing such new specialty earmarked plate pursuant to § 55-4-215.

and substituting instead the following:

Notwithstanding this subsection (a) to the contrary, the department shall provide any person qualifying for a registration and license plate under subdivision (a)(1) who applies for and receives a registration and license plate in a category identified in § 55-4-202(a), a decal of distinctive design to disabled drivers to affix to such plate. Registration and license plates having such a decal properly affixed shall be a recognized symbol for the purposes of this part. The cost of such decal shall be considered a cost incurred by the department of revenue in designing, manufacturing, and marketing such plate pursuant to chapter 4, part 2 of this title.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Jernigan moved that **House Bill No. 207**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

**\*House Bill No. 1849** -- Medical Occupations - As introduced, revises the educational requirements for licensure as a clinical pastoral therapist; authorizes issuance of temporary

licenses to clinical pastoral therapists who are in training. - Amends TCA Title 63, Chapter 22. by \*Jernigan. (SB1814 by \*Yarbro)

Rep. Jernigan moved that **House Bill No. 1849** be reset for the next available Regular Calendar, which motion prevailed.

**\*House Bill No. 2594** -- Alcoholic Beverage Commission - As introduced, allows commission to impose a fine of up to \$500 to server permit holders who violate certain laws or rules or to suspend or revoke the holder's server permit. - Amends TCA Section 57-1-201; Section 57-3-204; Section 57-3-704; Section 57-3-706; Section 57-3-818 and Title 57, Chapter 5, Part 6. by \*Jernigan, \*Lamberth, \*Eldridge, \*Stewart, \*Mitchell, \*Clemmons, \*Hulsey, \*Powell, \*Sanderson, \*Ramsey, \*Miller. (SB2360 by \*Dickerson)

Rep. Jernigan moved that House Bill No. 2594 be passed on third and final consideration.

Rep. Ramsey moved adoption of State Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2594 by deleting all language following the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 57-1-201(b)(1)(A), is amended by adding the following language as a new subdivision (i) and by redesignating all subsequent subdivisions accordingly:

(i) Five hundred dollars (\$500) for servers permitted under § 57-4-203(h) and the Alcohol Server Responsibility and Training Act of 1995, compiled in chapter 3, part 7, of this title;

SECTION 2. Tennessee Code Annotated, Section 57-3-704, is amended by adding the following language as new, appropriately designated subsections:

(f) The commission may suspend or revoke a server permit for any violation of this title or any rule or regulation promulgated by the commission committed by the permit holder. The commission may, in lieu of suspending or revoking a server permit under this subsection (f), require the server to retake and successfully complete a program of alcohol awareness training conducted by an entity certified by the commission.

(g)

(1) Any employee, representative, or agent of a permittee whose duties include verifying that a person is twenty-one (21) years of age or older for the purpose of authorizing the person access to the premises of the permittee shall, during any period in which the employee, representative, or agent is required to verify that a person is twenty-one (21) years of age or older, require each person seeking access to the premises whose physical appearance does not reasonably demonstrate



an age of fifty (50) years or older to present a valid, government-issued document or other acceptable form of identification that includes the photograph and birth date of the person.

(2) The commission may impose a fine of five hundred dollars (\$500) against any employee, representative, or agent of a permittee who violates subdivision (g)(1).

(3) As used in this subsection (g):

(A) "Employee, representative, or agent" does not include a server permitted under § 57-4-203(h) and the Alcohol Server Responsibility and Training Act of 1995, compiled in chapter 3, part 7, of this title; and

(B) "Permittee" means any person, business, or other entity issued a permit under chapter 4 of this title for the purpose of authorizing the sale and consumption of alcoholic beverages on the premises of the permittee.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Jernigan moved that **House Bill No. 2594**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	84
Noes.....	0
Present and not voting.....	10

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Marsh, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton J., Shaw, Shepard, Spivey, Stewart, Terry, Todd, Towns, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 84

Representatives present and not voting were: Byrd, Dunlap, Lynn, McCormick, Pody, Powers, Sexton C., Smith, Sparks, Travis -- 10

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Matheny

Representative Swann

**REGULAR CALENDAR, CONTINUED**

**\*Senate Joint Resolution No. 391** -- Memorials, Congress - Urges the President, Congress, and the Secretary of Defense to review and revise law and policy regarding the carrying of firearms by military service members on military installations. by \*Bell, \*Hensley, \*Bowling, \*Watson, \*Bailey, \*Southerland.

Rep. Reedy moved that the house concur in **Senate Joint Resolution No. 391**, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

**\*House Bill No. 1888** -- Health, Dept. of - As introduced, creates the "Emergency Medical Services Personnel Licensure Compact." - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140. by \*Keisling. (SB2234 by \*Hensley)

Rep. Keisling moved that House Bill No. 1888 be passed on third and final consideration.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 1 as follows:

**Amendment No. 1**

3229

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House

AMEND House Bill No. 1888 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 140, is amended by adding the following as a new part:

**68-140-501.** This part shall be known and may be cited as the "Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act" or "REPLICA".

**68-140-502. Text of Compact.**

**SECTION 1. PURPOSE**

The purpose of this compact is to protect the public through verification of competency and ensure accountability for patient care related activities of all states' licensed emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. This compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
4. Support licensing of military members who are separating from an active duty tour and the spouses of military members;
5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action, and significant investigatory information;
6. Promote compliance with the laws governing EMS personnel practice in each member state; and

7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

## **SECTION 2. DEFINITIONS**

As used in this compact:

A. "Advanced emergency medical technician" or "AEMT" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring, or other limitation or encumbrance on the individual's practice; letters of reprimand or admonition; fines; criminal convictions; and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means the national administrative body of which all states that have enacted the compact are members.

F. "Emergency medical technician" or "EMT" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home state" means a member state where an individual is licensed to practice emergency medical services.

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or at a level between EMT and paramedic.

I. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member state" means a state that has enacted this compact.

K. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

L. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

M. "Remote state" means a member state in which an individual is not licensed.

N. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means a written statement by the interstate commission promulgated pursuant to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state. "Rule" includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant investigatory information" means:

1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. Investigative information that indicates that the individual represents an immediate threat to public health and safety, regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means any state, commonwealth, district, or territory of the United States.

S. "State EMS Authority" means the board, office, or other agency with the legislative mandate to license EMS personnel.

### **SECTION 3. HOME STATE LICENSURE**

A. Any member state in which an individual holds a current license is deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the commission, in compliance with the terms of the compact, of any adverse action or significant investigatory information regarding an individual;

4. No later than five (5) years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR § 731.202, and submits documentation of the requirement as promulgated in the rules of the commission; and

5. Complies with the rules of the commission.

#### **SECTION 4. COMPACT PRIVILEGE TO PRACTICE**

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3 of this compact.

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1. Be at least eighteen (18) years of age;

2. Possess a current, unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state, as may be defined in the rules of the commission.

D. Except as provided in subsection C of this Section 4, an individual practicing in a remote state is subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, the remote state shall promptly notify the home state and the commission.

E. If an individual's license in any home state is restricted or suspended, the individual is not eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual is not eligible to practice in any remote state until the individual's privilege to practice is restored.

#### **SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE**

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;

2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

3. The individual enters a remote state to provide patient care or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state; or

5. Other conditions as determined by rules promulgated by the commission.

**SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

**SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES**

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse of the veteran or member, who holds a current, valid, and unrestricted NREMT certification at or above the level of the state license being sought, as satisfying the minimum training and examination requirements for licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the adverse actions provisions of Section 8 of this compact.

**SECTION 8. ADVERSE ACTIONS**

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual is not eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

C. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

D. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.



E. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.

F. A remote state may take adverse action on an individual's privilege to practice within that state.

G. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing an adverse action.

H. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if the conduct had occurred within the home state. In these cases, the home state's law controls in determining the appropriate adverse action.

I. Nothing in this compact overrides a member state's decision that participation in an alternative program may be used in lieu of adverse action and that participation remains confidential if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from the other member state.

#### **SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY**

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, or the production of evidence from another member state are enforceable in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

#### **SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE**

A.

1. The compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

2. The commission is a body politic and an instrumentality of the compact states.

3. Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

4. Nothing in this compact waives sovereign immunity.

B. Membership, voting, and meetings.

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. If more than one (1) board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings are open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12 of this compact.

5. The commission may convene in a closed, non-public meeting if the commission must discuss:

a. Non-compliance of a member state with its obligations under the compact;

b. The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. An accusation of a crime against any person or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with investigating or determining compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this Section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a closed meeting and shall provide a full and accurate summary of actions taken, and the reasons for the actions, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to

release by a majority vote of the commission or order of a court of competent jurisdiction.

C. The commission shall, by a majority vote of the delegates, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including:

1. Establishing the fiscal year of the commission;
2. Providing reasonable standards and procedures:
  - a. For establishment and meetings of other committees; and
  - b. Governing any general or specific delegation of any authority or function of the commission;
3. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of commission meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commission members vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting, revealing the vote of each member with no proxy votes allowed;
4. Establishing the titles, duties, and authority, and reasonable procedures for the election of the officers of the commission;
5. Providing reasonable standards and procedures for establishing the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws exclusively govern the personnel policies and programs of the commission;
6. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and
7. Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact and after the paying or reserving of all of its debts and obligations.

D. The commission shall publish its bylaws and file a copy of its bylaws, and any amendments to the bylaws, with the appropriate agency or officer in each of the member states, if any.

E. The commission shall maintain its financial records in accordance with the bylaws.

F. The commission shall meet and take actions consistent with this compact and commission bylaws.

G. The commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the commission; provided, that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant those individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the donations and grants; provided, that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any real, personal, or mixed property; provided, that at all times the commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees, comprised of members, state regulators, state legislators or their representatives, consumer representatives, and other interested persons as may be designated in this compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform other functions as may be necessary or appropriate to achieve the purposes of this compact that are consistent with the state regulation of EMS personnel licensure and practice.

H. Financing of the commission.

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts

and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the commission's annual report.

**I. Qualified immunity, defense, and indemnification.**

1. The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided, that nothing in this paragraph 1 protects any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, unless the actual or alleged act, error, or omission resulted from that person's intentional or willful or wanton misconduct. Nothing in this paragraph 2 prohibits that person from retaining his or her own counsel.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, unless the actual or alleged act, error, or omission resulted from the intentional or willful or wanton misconduct of that person.

**SECTION 11. COORDINATED DATABASE**

A. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended, or revoked;
6. Nonconfidential information related to alternative program participation;
7. Any denial of application for licensure and the reason for the denial; and
8. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

## **SECTION 12. RULEMAKING**

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted under this Section. Rules and amendments are binding as of the date specified in the rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, the rule shall have no further force and effect in any member state.



C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgating and adopting a final rule, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the commission's web site; and

2. On the web site of each member state's EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit to the commission notice of intent to attend the public hearing and any written comments.

F. Prior to adopting a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which the commission shall make available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

H.

1. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

2. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

3. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

4. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This paragraph 4 shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

5. Nothing in this Section requires a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If the commission does not receive written notice of intent to attend the public hearing by interested parties, the commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, but the usual rulemaking procedures provided in the compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this subsection L, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical, format, consistency, or grammatical errors. Public notice of any revisions shall be posted on the commission's web site. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

**A. Oversight.**

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated under the compact shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

3. The commission is entitled to receive service of process in any judicial or administrative proceeding and has standing to intervene in the proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact, or promulgated rules.

**B. Default, technical assistance, and termination.**

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the

proposed means of curing the default, and any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. The commission shall give notice of intent to suspend or terminate to the governor of the defaulting state, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The court shall award all costs of the litigation, including reasonable attorney's fees, to the prevailing party.

C. Dispute resolution.

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the court shall award all costs of the litigation, including reasonable attorney's fees, to the prevailing party.

3. The remedies contained in this Section shall not be the exclusive remedies available to the commission. The commission may pursue any other remedies available under federal or state law.

**SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

A. The compact takes effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions that become effective at that time are limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to implement and administer the compact.

B. Any state that joins the compact after the commission's initial adoption of the rules is subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

C.

1. Any member state may withdraw from this compact by enacting a statute repealing the statute.

2. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

3. Withdrawal does not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

D. Nothing contained in this compact invalidates or prevents any EMS personnel licensure agreement or other cooperative arrangement

between a member state and a non-member state that does not conflict with the provisions of this compact.

E. The member states may amend the compact. An amendment to this compact is not effective and binding upon any member state until it is enacted into the laws of all member states.

## SECTION 15. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes of the compact. If a court finds that this compact is contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

**68-140-503.** As used in this part:

(1) "Emergency Management Assistance Compact" or "EMAC" means the national interstate mutual aid agreement adopted by all fifty (50) states, the District of Columbia, the United States Virgin Islands, Puerto Rico and ratified by the 104th United States Congress in 1996 (PL-104-321) that enables states to share resources during times of disaster created during the 104th Congress; and

(2) "Responsible official of the state EMS authority" means the commissioner of health.

**68-140-504.** This part takes precedence over any law in conflict with this part.

SECTION 2. The emergency medical services board is directed to inform the executive secretary of the Tennessee Code Commission by letter of the effective dates for the compact enacted by this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Keisling moved that **House Bill No. 1888**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent,

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Sexton C., Sexton J., Shaw, Shepard, Smith, Spivey, Stewart, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**\*House Bill No. 1427** -- Criminal Procedure - As introduced, requires law enforcement officers to do NCIC criminal records check upon each arrest, creates a statutory procedure for bail revocation hearing for the denial of bail based on criminal act while on bail; requires special bail conditions if person has prior DUI offenses. - Amends TCA Title 40. by \*White M, \*Hardaway, \*Akbari, \*Love, \*Lamberth, \*Lollar. (SB2576 by \*Norris)

Rep. M. White moved that House Bill No. 1427 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1427 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following as a new section:

**40-11-153.**

(a) After an officer arrests a person for one (1) of the offenses listed in this subsection (a), but prior to the determination of bail for the arrest offense by the judge or magistrate, the arresting officer or the officer's agency shall exercise due diligence in determining the existence of prior arrests for, and violations of, § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401.

(b) Using due diligence to determine a person's criminal history means the officer makes use of all available databases, including the Tennessee bureau of investigation interstate identification index (III), the Tennessee criminal history database, driver license history, relevant information related to those prior convictions provided pursuant to § 40-6-203, and other official records regarding the person's prior criminal and arrest history to which the officer or officer's agency has access.

SECTION 2. Tennessee Code Annotated, Section 40-11-118, is amended by deleting subdivision (d)(1) and substituting instead the following:

(1)

(A)

(i) If a defendant is charged with a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401, in determining the amount and conditions of bail to place on the defendant's release, the judge or magistrate shall consider the defendant's criminal history data furnished by the law enforcement officer, or the officer's agency, pursuant to § 40-11-153. The judge or magistrate shall also consider imposing special conditions of bail, including those set out in subdivision (d)(2), upon a defendant charged with an offense listed in this subdivision (d)(1).

(ii) If a defendant is charged with a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401, and the defendant's criminal history data furnished pursuant to § 40-11-153 indicates that the defendant has one (1) or more prior convictions for a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401, the judge or magistrate shall impose the use of special conditions on the defendant, including the conditions set out in subdivision (d)(2).

(B) If the judge orders a defendant charged with an offense listed in this subdivision (d)(1) to be subject to the special condition of monitoring as provided in subdivision (d)(2), the defendant's bonding company or bonding agent, the judge or magistrate, the department of correction, or any other agency, department, program, group, private entity, or association that is responsible for the supervision of such person shall:

(i) Require periodic reporting by the defendant for verification of the proper operation of the monitoring device;

(ii) Require the defendant to have the device monitored for proper use and accuracy by an entity approved by the supervising entity at least every thirty (30) days, or more frequently as the circumstances may require; and

(iii) Notify the court of any of the defendant's violations of this part for bond revocation purposes.

SECTION 3. Tennessee Code Annotated, Section 40-11-141, is amended by deleting subsection (b) and substituting instead the following:

(b)



(1) If, after the defendant is released upon personal recognizance, an unsecured personal appearance bond, or any other bond approved by the court, the continued release of the defendant is contingent upon the defendant complying with the conditions of release. The grounds for revocation named in subdivisions (b)(2)(B) and (C) shall be considered conditions of any release, whether specified in the release document or not. If the defendant does not comply with the conditions of release, the court may revoke the defendant's bond and terminate the defendant's continued release. All bond revocations for conduct engaged in, on, or after July 1, 2016, shall comply with the procedure established by this subsection.

(2) Grounds for the revocation of a bond pursuant to this section are that the defendant:

(A) Violates a condition of release;

(B) Is charged with an offense committed during the defendant's release; or

(C) Engages in conduct that results in the obstruction of the orderly and expeditious progress of the trial or other proceedings.

(c)

(1) If the state believes the defendant has engaged in conduct that is a ground or grounds for the revocation of the defendant's bail, a pretrial bail revocation hearing may be initiated by filing a written motion with the court.

(2) If the state files a motion for a revocation hearing, it shall contain at least one (1) of the statutory grounds for revocation set out in subsection (b).

(d) If the state's motion for a pretrial revocation hearing is granted, or if the hearing is initiated on the court's own motion, notice shall be given to the defendant. The notice shall contain:

(1) A description of the conduct that is alleged to be grounds for the revocation;

(2) A statement that, upon request, the state will disclose all evidence in its possession relevant to the conduct resulting in the motion for revocation; and

(3) The date, place, and time of the hearing.

(e) The revocation hearing shall be conducted at or reasonably near the place of the alleged violation and as promptly as convenient. At the revocation hearing:

(1) The defendant shall have the following rights:

(A) To be heard;

(B) To present evidence;

(C) To confront and cross-examine witnesses; and

(D) To make arguments in the defendant's defense;

(2) The state shall be required:

(A) To prove, by a preponderance of the evidence, that at least one (1) of the grounds for revocation set out in subsection (b) has occurred; and

(B) To produce factual testimony from at least one (1) corroborating witness supporting the allegations in the state's motion for revocation; and

(3) The trial court, may:

(A) Consider factual testimony and documentary proof supporting the grounds for revocation of pretrial bail; and

(B) Admit any hearsay evidence the court finds to be reliable.

(f) At the conclusion of the hearing, the court shall continue the defendant's bail under the same conditions and amount if the court finds that the state did not prove by a preponderance of the evidence that the defendant engaged in conduct that violated one (1) or more of the grounds for revocation set out in subsection (b).

(g) If the court finds by a preponderance of the evidence that the defendant engaged in conduct that violated one (1) or more of the grounds for revocation set out in subsection (b), the court shall consider:

(1) Whether any additional bail conditions or an increased amount of bail would assure the appearance of the defendant at trial and protect the safety of the community under § 40-11-116; and

(2) The bail factors listed in § 40-11-118.

(h) After consideration of subsection (g), the court shall:

(1) Impose additional bail conditions or an increased amount of bail and release the defendant on the new bail upon a finding that additional conditions or bail amount would assure the appearance of the defendant at trial and protect the safety of the community under § 40-11-116; or

(2) Revoke and terminate the defendant's bond and order the defendant held without bail pending trial or without release during trial upon a finding that additional conditions or bail amount would not assure the appearance of the defendant at trial and would not protect the safety of the community under § 40-11-116.

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Alexander moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1427 by deleting SECTION 2 of the bill as amended and redesignating the remaining sections accordingly.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. M. White moved that **House Bill No. 1427**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Terry, Todd, Travis, Turner, Van Huss, Weaver, White D., White M., Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

**\*House Bill No. 2573** -- Education, Higher - As introduced, enacts the "Higher Education Authorization Act." - Amends TCA Title 49. by \*McCormick, \*Brooks K, \*Lynn, \*Smith, \*Casada. (SB2564 by \*Norris, \*Bell)

Rep. Lynn moved that **House Bill No. 2573** be reset for the Regular Calendar on March 31, 2016, which motion prevailed.

**House Bill No. 2586** -- Alcoholic Beverages - As introduced, allows applicants for retail food store wine license to seek certificate of compliance from local government and receive approval letter from commission prior to July 1, 2016; allows wholesalers to solicit orders from retail food stores and deliver wine prior to July 1, 2016; clarifies when retail package store may deliver to customers; limits retail package store licenses to two per owner. - Amends TCA Section 57-3-406 and Section 57-3-803. by \*Todd, \*Sanderson, \*Jernigan. (\*SB2094 by \*Ketron, \*Jackson, \*Massey)

On motion, House Bill No. 2586 was made to conform with **Senate Bill No. 2094**; the Senate Bill was substituted for the House Bill.

Rep. Todd moved that Senate Bill No. 2094 be passed on third and final consideration.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent requested that Finance, Ways & Means Committee Amendment No. 2 be placed at the heel of the amendments.

Rep. Lundberg moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Marsh moved the previous question, which motion failed by the following vote:

Ayes .....	56
Noes.....	36
Present and not voting.....	1

Representatives voting aye were: Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Carter, Casada, Coley, Dunlap, Durham, Eldridge, Farmer, Forgety, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jenkins, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Lundberg, Lynn, Marsh, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Ragan, Ramsey, Reedy, Sargent, Shepard, Spivey, Todd, Travis, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 56

Representatives voting no were: Akbari, Alexander, Calfee, Clemmons, Cooper, Daniel, DeBerry, Doss, Dunn, Faison, Fitzhugh, Gilmore, Goins, Gravitt, Hardaway, Holt, Hulsey, Kane, Love, McCormick, Pody, Powell, Rogers, Sexton C., Sexton J., Shaw, Smith, Sparks, Stewart, Swann, Terry, Towns, Turner, Van Huss, Weaver, Womick -- 36

Representatives present and not voting were: Powers -- 1

After further discussion, Rep. Camper moved the previous question, which motion prevailed.

Rep. Todd moved that **Senate Bill No. 2094** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	16
Present and not voting.....	7

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Brooks K., Butt, Calfee, Camper, Casada, Clemmons, Coley, Cooper, Daniel, Durham, Eldridge, Faison, Farmer, Forgety, Gilmore, Halford, Hardaway, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, McDaniel, McManus, Miller, Mitchell, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Terry, Todd, Towns, Travis, Turner, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 72

Representatives voting no were: Alexander, Carter, Doss, Dunlap, Favors, Goins, Gravitt, Hawk, Holt, Lollar, Lundberg, McCormick, Moody, Sexton J., Van Huss, Womick -- 16

Representatives present and not voting were: Byrd, DeBerry, Dunn, Fitzhugh, Pody, Powers, Swann -- 7

A motion to reconsider was tabled.

#### STATEMENT ON SENATE BILL NO. 2094 REPRESENTATIVE TODD

*For years, our laws have limited the number of retail package stores in the state of Tennessee that could be owned by a single person or company. Where do we get that authority? We get that authority from the 21<sup>st</sup> Amendment of the U.S. Constitution. The 19<sup>th</sup> Amendment was the one on prohibition. Congress changed that in the 21st Amendment, not to take that away, but to give the states the right to control their own destiny with regards to alcohol. By doing this, we tried to insure that the people who work, own businesses here, our neighbors and their involved in the business and in the community.*

*The WIGS bill did actually remove the restriction on the number of stores that could be owned by one individual. The WIGS bill also sought to deal with this concern, by imposing a residency requirement on licenses in the state of Tennessee, but you had to live here two years as a residence. The Tennessee Attorney General opined that the residency requirement was unconstitutional. Because of this, is the way we have as policy makers to make sure that the owners remain close to their businesses and involved in the stores that they're actually going to*

*be open or involved in which they always have. We've licensed them to limit the store ownership to two stores, to achieve this goal without running against our Attorney General's opinion.*

*This bill is not about protectionism – this bill is not about insuring that the people that we entrust with the responsibility of selling a dangerous product is what our forefathers told us and gave us the authority to do. You know, within this, we're selling distilled spirits; we're not selling a piece of candy. So, that's why it's our responsibility as legislators and others responsible to make sure we stay involved in this issue.*

*If you want to go back to what this bill actually does or doesn't do in many instances, ladies and gentlemen, as I was in the business of law enforcement, I've seen many families ruined with alcohol and drugs. I've seen many in jail; I've put many in jail myself. I've had families that have dealt with this issue. I have and others, so I know what it does to you. So, making this wide open is not always good. Sometimes the least is the best. In regards to this, by limiting the number of liquor store licenses which one person can hold, we are working to keep owners at and involved in their local stores. The state expects these owners to actually watch over their stores and insure that our laws in this state are followed. Thank you Madam Speaker.*

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 2094** and have this statement entered in the Journal: Rep. Butt.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **Senate Bill No. 2094** and have this statement entered in the Journal: Rep. Lollar.

#### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2389** -- Firearms and Ammunition - As introduced, prohibits law enforcement officers of this state and its political subdivisions from enforcing provisions of international law and treaties that limit gun rights under Article I, Section 26 of the state constitution. by \*Windle, \*Pody, \*Weaver. (SB2395 by \*Bailey)

Rep. Windle moved that **House Bill No. 2389** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	2
Present and not voting.....	2

Representatives voting aye were: Akbari, Armstrong, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Coley, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith,

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**MONDAY, MARCH 28, 2016 – FIFTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

Sparks, Spivey, Swann, Terry, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 88

Representatives voting no were: Clemmons, Stewart -- 2

Representatives present and not voting were: Beck, Cooper -- 2

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on **House Bill No. 2389** and have this statement entered in the Journal: Rep. Armstrong and Powell.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1653** -- Clerks, Court - As introduced, confers upon state and counties liability for costs and fees in criminal cases where the defendant is determined indigent in all courts and not just courts of record; requires department of correction to pay costs and fees owed to a county within 60 days of the bill of costs being submitted to the department. - Amends TCA Title 40, Chapter 25, Part 1. by \*Alexander. (SB1999 by \*Ketron, \*Bowling, \*Gresham, \*Jackson, \*Tracy, \*Yager)

On motion, House Bill No. 1653 was made to conform with **Senate Bill No. 1999**; the Senate Bill was substituted for the House Bill.

Rep. Alexander moved that Senate Bill No. 1999 be passed on third and final consideration.

Rep. Lamberth moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Alexander moved that **Senate Bill No. 1999** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 95

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A motion to reconsider was tabled.

**\*House Bill No. 1778** -- Driver Licenses - As introduced, requires the department of safety to report to the transportation committees of both houses by February 1, 2017, the number of commercial driver license holders who previously held military commercial driver licenses, and whether they experienced any barriers in applying for such state license. - Amends TCA Title 55, Chapter 50. by \*Alexander. (SB1763 by \*Bowling)

On motion, House Bill No. 1778 was made to conform with **Senate Bill No. 1763**; the Senate Bill was substituted for the House Bill.

Rep. Alexander moved that Senate Bill No. 1763 be passed on third and final consideration.

Rep. Rogers moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Alexander moved that **Senate Bill No. 1763** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

### EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Lollar



REGULAR CALENDAR, CONTINUED

**\*Senate Joint Resolution No. 2** -- Memorials, Congress - Urges the proposal of a Constitutional amendment requiring Congressional approval of federal regulations under certain circumstances. by \*Norris, \*Bell, \*Bowling, \*Watson, \*Green.

Rep. Ragan moved that the house concur in Senate Joint Resolution No. 2.

Rep. Durham moved the previous question, which motion prevailed.

Rep. Ragan moved that the house concur in Senate Joint Resolution No. 2, which motion prevailed by the following vote:

Ayes .....	67
Noes.....	22
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Carter, Casada, Coley, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Kumar, Lamberth, Littleton, Lundberg, Lynn, Marsh, McCormick, McManus, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Smith, Sparks, Spivey, Swann, Terry, Todd, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 67

Representatives voting no were: Akbari, Armstrong, Beck, Camper, Clemmons, Cooper, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Powell, Shaw, Shepard, Stewart, Towns, Turner -- 22

Representatives present and not voting were: Jenkins, McDaniel -- 2

A motion to reconsider was tabled.

**House Bill No. 850** -- Highways, Roads and Bridges - As introduced, grants county highway officials the authority to reduce the maximum gross weight of freight vehicles transporting mobile homes over certain county roads and bridges to prevent damage. - Amends TCA Title 5; Title 54, Chapter 7 and Title 55. by \*Calfee, \*Byrd, \*Shepard, \*Keisling, \*Holt, \*Howell, \*Brooks K, \*Matlock. (\*SB412 by \*Tracy, \*Bowling, \*Gardenhire)

Further consideration of House Bill No. 850, previously considered on March 30, 2015, April 8, 2015, January 12, 2016 at which time it was held on the desk, and it was then calendared for the Regular Calendar on March 21, 2016, at which time the House re-referred House Bill No. 850 to the House Transportation Committee.

On motion, House Bill No. 850 was made to conform with **Senate Bill No. 412**; the Senate Bill was substituted for the House Bill.

Rep. Calfee moved that Senate Bill No. 412 be passed on third and final consideration.

Without object, Rep. Calfee moved that the House take up House Amendment No. 19, out of order.

Rep. Rogers moved adoption of Transportation Committee Amendment No. 2, as House Amendment No. 19, as follows:

**Amendment No. 19**

AMEND Senate Bill No. 412 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-7-205(a)(8), is amended by deleting the subdivision in its entirety and substituting instead the following:

(8)

(A) The commissioner has the authority to reduce the maximum gross weight of freight motor vehicles operating over lateral highways and secondary roads where, through weakness of structure in either the surface of or the bridges over the lateral highways or secondary roads, the maximum loads provided by law, in the opinion of the commissioner, injure or damage the roads or bridges.

(B) The county legislative body shall have the same authority as to county roads; provided, however, that any proposed reduction below the weight limits set by the commissioner pursuant to this section shall require a two-thirds (2/3) vote of the county legislative body and shall be based upon the same criteria as used by the commissioner.

(C) To the extent there is a conflict between this subdivision (a)(8) and any other general law or a private act, this subdivision (a)(8) shall govern.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 2, as House Amendment No. 19, was adopted.

Rep. Rogers moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Eldridge moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Alexander moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Ramsey moved that House Amendment No. 5 be withdrawn, which motion prevailed.

Rep. McCormick moved that House Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Pody moved that House Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Pody moved that House Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Shaw moved that House Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Sanderson moved that House Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Weaver moved that House Amendment No. 11 be withdrawn, which motion prevailed.

Rep. McDaniel moved that House Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Halford moved that House Amendment No. 13 be withdrawn, which motion prevailed.

Rep. Travis moved that House Amendment No. 14 be withdrawn, which motion prevailed.

Rep. Beck moved adoption of House Amendment No. 15 as follows:

**Amendment No. 15**

AMEND Senate Bill No. 412 by inserting the following as a new, appropriately designated subdivision in subdivision (8) of SECTION 1 as amended:

( ) In any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, no county road limit shall be void and of no effect pursuant to subdivision (a)(8)(B).

Rep. Calfee moved that House Amendment No. 15 be tabled, which motion prevailed by the following vote:

Ayes ..... 67  
Noes ..... 21

## MONDAY, MARCH 28, 2016 – FIFTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting aye were: Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Coley, Daniel, Doss, Dunlap, Dunn, Durham, Eldridge, Farmer, Favors, Forgety, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Johnson, Kane, Keisling, Kumar, Littleton, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Swann, Terry, Todd, Travis, Van Huss, White D., White M., Williams, Windle, Womick, Zachary -- 67

Representatives voting no were: Akbari, Armstrong, Camper, Clemmons, Cooper, DeBerry, Fitzhugh, Gilmore, Hardaway, Jernigan, Love, Mitchell, Parkinson, Pitts, Powell, Sanderson, Stewart, Towns, Turner, Weaver, Wirgau -- 21

Rep. McCormick moved that House Amendment No. 16 be withdrawn, which motion prevailed.

Rep. Windle moved that House Amendment No. 17 be withdrawn, which motion prevailed.

Rep. Calfee moved that House Amendment No. 18 be withdrawn, which motion prevailed.

Rep. Pitts moved the previous question, which motion prevailed.

Rep. Calfee moved that **Senate Bill No. 412**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	3

Representatives voting aye were: Akbari, Alexander, Armstrong, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 90

Representatives voting no were: Beck, Mitchell, Stewart -- 3

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on the motion to table Amendment No. 15 of **Senate Bill No. 412** and have this statement entered in the Journal: Rep. Beck.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2339** -- Professions and Occupations - As introduced, requires each location used by a scrap metal dealer to pay a biennial fee of \$500 before registration or renewal in addition to the current biennial fee required for a motor vehicle dismantler and recycler. - Amends TCA Section 55-3-202 and Title 62, Chapter 9. by \*Calfee. (\*SB2134 by \*Bailey)

On motion, House Bill No. 2339 was made to conform with **Senate Bill No. 2134**; the Senate Bill was substituted for the House Bill.

Rep. Calfee moved that Senate Bill No. 2134 be passed on third and final consideration.

Rep. Marsh moved that Business and Utilities Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Calfee moved that **Senate Bill No. 2134** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	4
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 88

Representatives voting no were: Doss, Keisling, Pody, Windle -- 4

Representatives present and not voting were: Hill M. -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 2134** and have this statement entered in the Journal: Rep. Van Huss.

REGULAR CALENDAR, CONTINUED

**MONDAY, MARCH 28, 2016 – FIFTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 2471** -- Recreational Vehicles - As introduced, enacts the "Tennessee Recreation Vehicle Franchise Act of 2016"; establishes licensing requirements specifically for recreational vehicle dealers and salespersons to be overseen by the Tennessee motor vehicle commission. - Amends TCA Title 55. by \*Calfee. (\*SB1980 by \*Massey)

On motion, House Bill No. 2471 was made to conform with **Senate Bill No. 1980**; the Senate Bill was substituted for the House Bill.

Rep. Calfee moved that Senate Bill No. 1980 be passed on third and final consideration.

Rep. Rogers moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Calfee moved that **Senate Bill No. 1980** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 93

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**House Bill No. 2647** -- Rutherford County - As introduced, adds a fourth general sessions court in Rutherford County, the judge of which shall be elected to a six-year initial term in the August 2016 general election, and eight-year terms thereafter, effective upon 2/3 vote of the local legislative body. - Amends Chapter 384 of the Private Acts of 1947; as amended. by \*White D. (\*SB2672 by \*Ketron)

Rep. D. White moved that House Bill No. 2647 be passed on third and final consideration.

Rep. Wirgau moved adoption of Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2647 by deleting all language after the enacting clause and substituting instead the following:

3265

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SECTION 1. Chapter 384 of the Private Acts of 1947, as amended by Chapter 118 of the Private Acts of 1973, Chapter 59 of the Private Acts of 2005, and any other acts amendatory thereto, is further amended by adding the following language to the end of Section 12:

Effective September 1, 2016, there is created Part IV of the Court of General Sessions of Rutherford County. At the August general election in 2016, the qualified voters of Rutherford County shall elect a person to serve as judge of Part IV of the Court of General Sessions for a six (6) year term beginning September 1, 2016. The qualifying deadline for the 2016 election is at noon on the ninetieth day before the August general election. Any person qualifying for the 2016 election has until noon on the eighty-seventh day before the August general election to withdraw. After expiration of the initial six (6) year term, and every eight (8) years thereafter, the qualified voters of Rutherford County shall elect a person to serve as judge of Part IV of the Court of General Sessions for an eight (8) year term.

Such person shall be required to possess all the same qualifications as the general session judges in Parts I, II, and III and shall be vested with the same authority and jurisdiction to try, hear, and dispose of cases and other matters that come before such court as is conferred upon the judges in Parts I, II, and III.

The judge of Part IV shall receive the same compensation, payable in the same manner, as judges of Parts I, II, and III.

Beginning September 1, 2016, the Judges of the General Sessions Court of Rutherford County shall designate, by a majority vote, one (1) of the four (4) judges to serve as the presiding judge for a one (1) year term. There is no limit on the number of consecutive terms a judge may serve as presiding judge. The presiding judge shall designate, determine the cases, and the time for holding court for each judge. Until September 1, 2016, the present method of selecting the presiding judge shall remain in effect.

SECTION 2. Effective September 1, 2016, Chapter 384 of the Private Acts of 1947, as amended by Chapter 118 of the Private Acts of 1973, Chapter 59 of the Private Acts of 2005, and any other acts amendatory thereto, is further amended by deleting from Section 12 the first full paragraph added by Section 3 of Chapter 59 of the Private Acts of 2005, such paragraph pertaining to the selection of the presiding judge for the General Sessions Court of Rutherford County.

SECTION 3.

(a) Rutherford County shall provide all funding necessary for the establishment and operation of Part IV of the Court of General Sessions of Rutherford County created by this act, including a courtroom, office space, and such personnel as is necessary to efficiently operate such court.

(b) This act shall take effect only if the cost of providing any additional assistant district attorneys general, assistant district public defenders, or any other costs associated with the judgeship created by this act is funded by

Rutherford County, and such funding continues for the term of the judgeship so created.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by that officer to the secretary of state.

SECTION 5. For the purpose of approving, or rejecting, the provision of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

On motion, Local Government Committee Amendment No. 1 was adopted.

Rep. D. White moved that **House Bill No. 2647**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

**\*House Bill No. 2288** -- Motor Vehicles, Titling and Registration - As introduced, authorizes certain off-highway vehicles, which have top speeds over 35 mph and nonstraddle seating for up to four passengers, to be operated on county roads; authorizes issuance of off-highway license plates for each category; establishes equipment and safety requirements for the vehicles. - Amends TCA Title 55. by \*Byrd, \*Doss. (SB2255 by \*Hensley)

On motion, House Bill No. 2288 was made to conform with **Senate Bill No. 2255**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that Senate Bill No. 2255 be passed on third and final consideration.

Rep. Rogers moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Byrd moved that **Senate Bill No. 2255** be passed on third and final consideration, which motion prevailed by the following vote:



Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

**\*House Bill No. 2411** -- Motor Vehicles, Titling and Registration - As introduced, requires the department to submit an annual report to the chairs of the transportation committees of both houses identifying currently administratively issued collegiate plates, and those collegiate plates that have been issued, but deemed obsolete in the previous five years. - Amends TCA Title 55, Chapter 4, Part 2. by \*Lynn, \*Matlock. (SB2331 by \*Tracy)

Rep. Lynn moved that House Bill No. 2411 be passed on third and final consideration.

Rep. Rogers moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2411 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) Any nonprofit religious organization owning any vehicle that may be legally operated upon the streets or highways of this state with a regular vehicle registration may, through an authorized agent or employee, operate or move the vehicle upon any highway of the state without registering the vehicle, upon condition that the vehicle display a special purpose plate issued to that owner as prescribed in this section.

(b) The special purpose nonprofit religious organization plate shall have the legend "TENN" at the top of the plate and shall have "nonprofit religious organization" at the bottom of the plate. The legend shall contain the letters "CVPT" and three (3) numbers. The special purpose nonprofit religious organization plate shall have a purple background and white letters and numbers.

(c) A nonprofit religious organization may make application to the department for one (1) or more special purpose nonprofit religious organization plates and shall provide sufficient information as reasonably requested by the commissioner to show that the applicant is a nonprofit religious organization. The fee for each special purpose plate is forty-seven dollars and thirty cents (\$47.30), and the fee for any plates in addition to the first plate is twenty-three dollars and sixty-five cents (\$23.65) for each additional plate. No nonprofit religious organization shall be permitted to purchase more than three (3) nonprofit religious organization plates each year.

(d) A special purpose nonprofit religious organization plate may be used in the place of a regular vehicle registration to operate or move the vehicle upon any highway of the state without registering such vehicle, solely for the following purposes:

(1) To transport the vehicle between a prior or subsequent owner and the nonprofit religious organization;

(2) To transport the vehicle between the nonprofit religious organization and a location where cleaning, repairing, or preparation is performed; or

(3) To test the vehicle within a twenty-mile radius of the location where the cleaning, repairing, or preparation is performed.

(e) A special purpose nonprofit religious organization plate may be used solely for vehicles that were donated to the nonprofit religious organization with the intent that the vehicle be transferred to a subsequent owner. This section does not apply to vehicles used in a nonprofit religious organization's daily operations.

(f) The special purpose plates issued under this section shall expire on May 31 of each year, and a new plate or plates for the ensuing year may be obtained by the person to whom the expired plate or plates were issued upon application to the department or any county clerk within the state. Issuance of the plates shall begin May 1 of each year, upon payment of the fee provided by law, and proof by the applicant that the applicant continues to be a nonprofit religious organization.

(g) For purposes of this section, "nonprofit religious organization" means a religious organization that has received a determination of exemption from the internal revenue service under the Internal Revenue Code § 501(c)(3).

SECTION 2. This act shall take effect May 1, 2016, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

3269

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**Amendment No. 2**

AMEND House Bill No. 2411 by deleting the effective date section and substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 1, 2016, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Lynn moved that **House Bill No. 2411**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes.....	1
Present and not voting.....	1

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 92

Representatives voting no were: Womick -- 1

Representatives present and not voting were: Alexander -- 1

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1094** -- County Officers - As introduced, permits constables who have law enforcement powers to carry firearms at all times and in all places in Tennessee that other law enforcement officers are permitted to carry firearms. - Amends TCA Title 8, Chapter 10 and Title 39, Chapter 17, Part 13. by \*Hill T, \*Van Huss, \*Hill M, \*Ragan. (\*SB1008 by \*Crowe, \*Niceley)

**Senate Amendment No. 2**

AMEND House Bill No. 1094 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1350(d), is amended by adding the following new, appropriately designated subdivision:

( ) For purposes of this section, "law enforcement officer" also means a duly elected and sworn constable in a county where constables retain law enforcement powers and duties under § 8-10-108; provided, that the constable receives, at a minimum, forty (40) hours initial training, within one (1) year of election, and eight (8) hours annual in-service training in firearms qualification administered by a certified law enforcement firearms instructor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. T. Hill moved that the House concur in Senate Amendment No. 2 to **House Bill No. 1094**, which motion prevailed by the following vote:

Ayes .....	61
Noes.....	25
Present and not voting.....	5

Representatives voting aye were: Brooks H., Brooks K., Butt, Byrd, Calfee, Carter, Casada, Coley, Daniel, DeBerry, Doss, Durham, Eldridge, Faison, Farmer, Fitzhugh, Goins, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lundberg, Lynn, Marsh, McDaniel, McManus, Mitchell, Moody, Pody, Powers, Ragan, Ramsey, Reedy, Rogers, Sargent, Sexton C., Sexton J., Smith, Sparks, Terry, Van Huss, Weaver, White D., White M., Williams, Windle, Womick, Zachary, Madam Speaker Harwell -- 61

Representatives voting no were: Akbari, Alexander, Beck, Camper, Clemmons, Cooper, Dunlap, Dunn, Favors, Hardaway, Jenkins, Jernigan, Jones, McCormick, Miller, Parkinson, Pitts, Powell, Sanderson, Shaw, Shepard, Stewart, Todd, Towns, Turner -- 25

Representatives present and not voting were: Gilmore, Hazlewood, Swann, Travis, Wirgau -- 5

A motion to reconsider was tabled.

## HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1496** -- Public Officials - As introduced, authorizes purchase of insurance to protect against breach of fiduciary duty by public officials and employees. - Amends TCA Title 8. by \*Lamberth. (SB1996 by \*Ketron)

### Senate Amendment No. 1

AMEND House Bill No. 1496 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-19-101, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e) County governments shall either:

(1) Obtain and maintain blanket surety bond coverage for all county employees not covered by individual bonds referenced elsewhere in statute. The minimum amount of such blanket bonds shall be one hundred fifty thousand dollars (\$150,000); or

(2)

(A) Obtain and pay the premiums or other costs with respect to a policy of insurance issued by an insurance company duly authorized to do business in this state or an agreement with a pool established pursuant to § 29-20-401 or any entity established pursuant to § 29-20-401(b)(2) for administration of such agreement, that provides government crime coverage, employee dishonesty insurance coverage, or equivalent coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities. Any such policy or agreement maintained shall have limits of not less than four hundred thousand dollars (\$400,000) per occurrence;

(B)

(i) A policy or agreement satisfying the requirements set forth in subdivision (e)(2)(A) shall be deemed to be a blanket official bond for each official or office identified in the policy or agreement for all purposes, including § 4-4-108 and this chapter;

(ii) A certificate of insurance evidencing the officials and offices covered, the amount of coverage maintained, and the type of coverage provided shall be filed in the register's office for the county in which the official is located;

(iii) A certificate of insurance shall satisfy the requirement for the filing of the official bond by the named officials;

(C) If a governmental entity obtains and pays premiums on an insurance policy or agreement pursuant to this subdivision (e)(2), then the monetary limits pursuant to the Tennessee Governmental Tort Liability Act, compiled in title 29, chapter 20 shall not increase.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Lamberth moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1496**, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1696** -- University of Tennessee - As introduced, requires the board of trustees of the University of Tennessee system to appoint the chief executive officers of the institutions upon the recommendation of the president of the system; delineates further the powers of the board of trustees. - Amends TCA Title 49, Chapter 9. by \*Brooks H, \*Kane, \*White M, \*Zachary. (SB1762 by \*Briggs, \*Massey)

#### Senate Amendment No. 2

AMEND House Bill No. 1696 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 49, Chapter 9, Part 2, is amended by adding the following language as a new section:

The Tennessee higher education commission shall coordinate and administer an orientation training program, as well as an ongoing continuing education program, to inform members of the board of trustees of their powers and duties. This training shall include a perspective on higher education that incorporates national experts in higher education governance. This training shall address the roles and responsibilities of governing boards; the legal and ethical responsibilities of trustees; the board's role in upholding academic standards, intellectual diversity, and academic freedom; budget development; presidential searches and evaluation; the role of higher education in K-12 collaboration; and setting strategic goals. Initial training shall be conducted prior to the first called

meeting of the board. In subsequent years, all newly appointed members shall attend orientation seminars within their first year of service.

Rep. H. Brooks moved that the House concur in Senate Amendment No. 2 to **House Bill No. 1696**, which motion prevailed by the following vote:

Ayes ..... 90  
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lundberg, Lynn, Marsh, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 90

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1747** -- Motor Vehicles - As introduced, enacts "Landon's Law." - Amends TCA Title 55, Chapter 10. by \*Kumar, \*Hardaway. (SB1729 by \*Roberts)

#### Senate Amendment No. 1

AMEND House Bill No. 1747 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

- (a) Every law enforcement agency shall have a policy describing when law enforcement personnel may disclose to the public information or law enforcement records concerning the use of drugs or alcohol by a driver as a contributing factor in a motor vehicle accident.
- (b) The policy required by subsection (a) shall include a requirement that the law enforcement agency make a good faith effort to notify the immediate family of those involved in the motor vehicle accident of the presence of drugs or alcohol as a contributing factor before such information may be made available to the public.

Rep. Kumar moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1747**, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 2

Representatives voting aye were: Akbari, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton J., Shaw, Shepard, Smith, Sparks, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 91

Representatives voting no were: Dunlap, Sexton C. -- 2

A motion to reconsider was tabled.

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2045** -- Motor Vehicles - As introduced, redefines "autocycle" and clarifies definitions related to the weight or engine displacement of all-terrain vehicles and autocycles; prohibits a person from operating an autocycle with a child passenger if such child is required to use a car seat in a passenger car. - Amends TCA Title 11; Title 47 and Title 55. by \*Alexander. (SB2229 by \*Southerland)

Rep. Alexander moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to **House Bill No. 2045**, which motion prevailed.

#### **CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 2045**

Pursuant to **Rule No. 73**, Representative Alexander moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2045, which motion prevailed.

The Speaker appointed Representatives Alexander, Hazlewood and Akbari as the House members of the Conference Committee on House Bill No. 2045.

#### **UNFINISHED BUSINESS**

#### **MOTION TO PLACE BILL ON CALENDAR**

Rep. Wirgau moved that **Senate Bill No. 396**, previously held on the desk, be placed on the Regular Calendar for March 30, 2016, which motion prevailed.

#### **BILLS WITHDRAWN**

On motion of Rep. Lundberg, **House Bill No. 541** was recalled from the House State Government Committee and was withdrawn from the House.



**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 301** Rep. Doss as prime sponsor.

**House Bill No. 1464** Rep. Cooper as prime sponsor.

**House Bill No. 1515** Rep. Gravitt as prime sponsor.

**House Bill No. 2029** Reps. Powell, Miller, Favors and Towns as prime sponsors.

**House Bill No. 2116** Rep. Gilmore as prime sponsor.

**House Bill No. 2269** Rep. Littleton as prime sponsor.

**House Bill No. 2616** Rep. Cooper as prime sponsor.

**House Bill No. 2645** Rep. Keisling as prime sponsor.

**SIGNED  
March 28, 2016**

The Speaker announced that she had signed the following: House Joint Resolutions Nos. 674, 676, 677 and 678.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
March 28, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 453 and 564; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
March 28, 2016**

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 453 and 564.

JOE MCCORD, Chief Clerk

**MESSAGE FROM THE SENATE  
March 28, 2016**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 674, 676, 677 and 678; signed by the Speaker.

3276

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK**

**March 28, 2016**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 70, 674, 676, 677 and 678; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**March 28, 2016**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 745, 1559, 1938, 2003, 2012, 2118, 2382, 2508, 2550, 2572, 2573 and 2594; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**March 28, 2016**

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 1426, 1447, 1509, 1529, 1539, 1540, 1542, 1545, 1546, 1555, 1557, 1716, 1918, 1932, 1941, 1964, 1992, 2159, 2190, 2261, 2443, 2568, 2575, 2593, 2632 and 2637; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**

**March 28, 2016**

The Speaker announced that she had signed the following: Senate Bills Nos. 745, 1559, 1938, 2003, 2012, 2118, 2382, 2508, 2550, 2572, 2573 and 2594.

JOE MCCORD, Chief Clerk

**SIGNED**

**March 28, 2016**

The Speaker announced that she had signed the following: House Bills Nos. 829, 1791, 2082, 2620, 2628, 2634, 2635 and 2640.

GREG GLASS, Chief Engrossing Clerk

**ROLL CALL**

3277

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House

The roll call was taken with the following results:

Present..... 93

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jenkins, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lundberg, Lynn, Marsh, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Williams, Windle, Wirgau, Womick, Zachary, Madam Speaker Harwell -- 93

**RECESS**

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Wednesday, March 30, 2016.